IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

WP. No.21098 of 2014
and MP.No.1 of 2014

S.Kaviarasan Bharathy ... Petitioner

Vs.

1.The District Elementary Educational Officer,
Perambalur District, Perambalur.

2.The Additional Assistant Educational Officer,
Veppanthattai Union, Veppanthattai,
Perambalur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of CERTIORARIFIED MANDAMUS, calling for records pertaining to the orders of the second respondent in Na.Ka.1236/A2/2013 dated 27.05.2014 relating to re-fixation and recovery of pay and quash the same and consequently direct the respondents to allow the petitioner to draw the Selection Grade pay in the pay band of Rs.15600-31900 + Rs.5400 (GP) in terms of GO Ms No.23 Finance Department dated 12/01/2011 and Letter No.14483/CMPC/2011-1, dated: 05/01/2012.

For Petitioner : Mr.S.Kamadevan
For Respondents : Mr.Karthikeyan,
Government Advocate.

O R D E R

This writ petition has been filed challenging the order passed by the second respondent in Na.Ka.1236/A2/2013 dated 27.05.2014 relating to re-fixation of pay scale.

2. The grievance of the petitioner is that he was working as a BT Assistant in the Middle School and his pay scale has been fixed as per G.O.Ms.No.23 Finance Department dated 12.01.2011. Thereafter, on his request, the salary was re-fixed by the Additional Assistant Educational Officer by proceedings dated 14.05.2013. Subsequent to that, the above impugned order of re-fixation has been cancelled by the second respondent without giving any notice and without conducting any enquiry. The

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cancellation of order passed by the 2nd respondent dated 27.05.2014 is in violation of principles of natural justice.

3. Learned counsel appearing for the 2nd respondent submitted that since the petitioner is not entitled to fix pay scale as per G.O. MS. No.2, the order has been revised by the 2nd respondent.

4. I have heard the rival submissions and perused the materials available on record.

5. Considering the rival submissions and carefully perusing the impugned order, it is seen that the order of re-fixation of pay scale has been cancelled without conducting any enquiry and without giving any notice to the petitioner, which is in total violation of principles of natural justice.

6. Hence, the impugned order is liable to be set aside and accordingly the same is set aside, the 2nd respondent is directed to conduct an enquiry after issuing notice to the petitioner, and pass suitable orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Till the order passed by the 2nd respondent, the respondents shall not proceed with any recovery from the petitioner's pay scale.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

rkp

To
1.The District Elementary Educational Officer,
Perambalur District, Perambalur.

2.The Additional Assistant Educational Officer,
Veppanthattai Union, Veppanthattai,
Perambalur District.

+1 CC to Mr.S.Kamadevan, Advocate sr 84267.
+1 CC to The Govt. Pleader sr 85076

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SP(31/01/2019)

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