



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.1508 of 2018

R.Mathivanan

... Petitioner

-Vs-

1. The Joint Director of Collegiate
Education,
Madurai Region, Madurai - 625 020.

2. The Secretary
Arulmigu Palaniandavar College of
Arts and Culture, Palani,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents herein to refund a sum of Rs.73,853/- with appropriate interest by considering the petitioner's representation dated 22.11.2017.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.M.Jeyakumar,
Addl., Govt.Pleader for R1

Mr.K.Govindarajan for R2

O R D E R

Heard the learned counsel on either side.

2.The petitioner retired as an Associate Professor and Head of the Department of Zoology Department in the second respondent college. He attained the age of superannuation on 31.03.2014. Disciplinary action was initiated against the petitioner. But the same was dropped by order dated 20.06.2016. The petitioner's pension was sanctioned. But, a sum of Rs.73,853/- was recovered from his DCRG.

3.It is seen that no specific order for recovering the said amount was ever passed. In respect of some shortfall, the petitioner was called upon to make good the loss and the same was



actually complied with by the petitioner. Thereafter, again a fresh demand was raised in respect of some other articles. The petitioner denied his liability.

4. Therefore, in the very nature of things, directing the recovery of a certain sum of money without even issuing proper notice and enquiry, is not permissible. On the other hand, the petitioner was allowed to retire peacefully. After the disciplinary action earlier initiated against the petitioner got dropped, such a recovery ought not to have been made. It is in clear violation of principle of natural justice. Therefore, there is absolutely no justification in ordering the recovery of Rs.73,853/- from the petitioner's DCRG.

5. It is submitted that the said amount was initially recovered by the first respondent and it is presently lying with the second respondent. The second respondent is directed to disburse the sum of Rs.73,853/- to the petitioner forthwith and without any delay. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The Joint Director of Collegiate
Education,
Madurai Region,
Madurai - 625 020.

+ 1 cc TO Mr.E.V.N.Siva , Advocate in SR No. 49861
+ 1 cc TO The Special Government Pleader in SR No. 50218

skm

AE/MK/SKN RSK/SAR1/01.06.2018/2P/4C

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