



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.08.2018

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.17787 of 2018andW.M.P(MD)Nos.15667 and 15668 of 2018

A.Kumara Pillai

..Petitioner

Vs

1.The Principal Accountant General,
Office of the Accountant General (A&E),
361, Anna Salai, Teynampet,
Chennai - 600 018.

2.The District Collector,
Kanyakumari District,
at Nagercoil.

3.The Assistant Director,
Audit Department,
Nagercoil,
Kanyakumari District.

4.The Tahsildar,
Taluk Office,
Kalkulam Taluk,
Kanyakumari District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records on the file of the third respondent pertaining to its order bearing Na.Ka.No.369/A1/2018, dated 22.6.2018 and to quash the same and consequently to forbear the respondents from recovering any amount from the Petitioner's salary.

For Petitioner :Mr.Jeen Felix
for M/s.S.C.Herold Singh

For Respondent-1 :Mr.P.Gunasekaran

For Respondents :Mr.K.Mu.Muthu
2 to 4 Addl.Govt.Pleader

ORDER

The Petitioner has come forward with this Writ Petition seeking to quash the order of the third respondent passed in Na.Ka.No.369/A1/2018, dated 22.6.2018 and consequently forbear the respondents from recovering any amount from the Petitioner's salary.

2.Mr.Jeen Felix, learned counsel for the Petitioner vehemently contended that the respondents are trying to recover the amount already paid to the Petitioner and the internal communication, dated 22.6.2018 is sought to be challenged in the present Writ Petition.

3.The respondents have filed a counter affidavit stating that the Petitioner has not been informed about the re-fixation of pay, as the final decision is yet to be taken and it is only an internal communication between the Assistant Director and the Tahsildar. The respondents have also stated that there was a wrong fixation of pay and certainly, the Petitioner will have to be enquired in this case and thereafter, after verifying the records, action would be taken. The communication impugned herein was not at all addressed to him and it is only a mere apprehension.

4.Heard both sides.

5.It is not in dispute that no decision was taken with regard to recovery of excess amount paid to the Petitioner. The respondents have also stated that the Petitioner would be heard before re-fixation and recovery of excess amount, if any paid. There is no reason as to how the Petitioner was able to get the internal communication including the Tabular Column, for the purpose of presentation before this Court and challenging the same. This Court is of the view that the Writ petition itself is immature and it is open to the Petitioner to challenge the final decision, if any taken by the respondents for recovering the amount, if he is so aggrieved. In case, the Petitioner receives any notice, he has to reply to the same and face the decision and the Petitioner cannot approach this Court periodically to stall the final proceedings that may be taken by the respondents.

6.With the above observation, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-II)



To

1.The Principal Accountant General,
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361, Anna Salai, Teynampet,
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Kanyakumari District.

4.The Tahsildar,
Taluk Office,
Kalkulam Taluk,
Kanyakumari District.

- 1 CC TO Mr.S.C.HEROLD SINGH , ADVOCATE IN SR No.80554.
- 1 CC TO Mr.P.GUNASEKARAN , ADVOCATE IN SR No.80853.
- 1 + 1 CC SPECIAL GOVERNMENT PLEADER IN SR.NO.80778.

VSN

DS PM SAR-2 03.10.2018 3P/8C

W.P (MD) No.17787 of 2018
and
W.M.P (MD) Nos.15667 and
15668 of 2018

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