



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.23141 of 2017

and

WMP (MD) Nos.19447 to 19449 of 2017

P.Natarajan

... Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai-9.

2. The Accountant General (A&E) of
Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.

3. The Director of School Education,
College Road,
Chennai - 600 006.

4. The Chief Educational Officer,
Uthagamandalam,
Nilgris District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned authorization No.P10/11016996/3/PPO No.R1016996/EDG dated 17.02.2016 and consequential impugned order No.P10/4/11019693/ADK, dated 27.07.2017 of the second respondent and in furtherance of a consequential impugned proceedings of the fourth respondent in Na.Ka.No.4873/A2/2017 dated 03.11.2017 and quash the same as illegal and consequentially direct the second respondent to authorize the pension proposal of the petitioner based on pay last drawn at Rs.45,790/- as resubmitted by the fourth respondent with sanction of 3%+3% increment for Special Grade and annual increment 3% on 01.10.2015 and in furtherance directing the fourth respondent to restore the sanction of increment to 3%+3% on 04.12.2014 and restraining from the consequential order of recovery of a sum of Rs.70,298/- from the petitioner by the fourth respondent in the light of clarification issued in letter No.29505/பக1(1)2015-1 dated 29.10.2015 of the first respondent and



in the light of the clarification issued in Letter No.21508/PC-II/2017 dated 09.06.2017 of Finance (Pay Cell) Department, within the time frame.

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For Petitioner : Mr.H.Mohammed Imran for
Ajmal Associates

For Respondents : Mr.J.Gunaseelan Muthaiah,
Addl. Govt. Pleader
for R1, R3 & R4
Mr.P.Gunasekaran for R2

O R D E R

The petitioner is a retired District Educational Officer. The second respondent herein passed an order dated 27.07.2017 that is adverse to the petitioner. Pursuant to the same, the fourth respondent passed an order dated 03.11.2017 directing the recovery of a sum of Rs.70,298/-.

2.Both the orders were passed without notice to the writ petitioner. Directing the recovery of any sum of money from the monetary benefits payable to the petitioner has to be necessarily preceded by a show cause notice. On the ground of principles of natural justice alone the orders impugned in the writ petition are quashed. The matter is remitted to the file of the respondents 2 and 4 with liberty to pass fresh orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this orders.

3.This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
School Education Department, Secretariat, Chennai-9.

2. The Accountant General (A&E) of Tamil Nadu,
361, Anna Salai, Chennai - 600 018.

3. The Director of School Education, College Road,
Chennai - 600 006.



4. The Chief Educational Officer, Uthagamandalam,
Nilgris District.

+1cc to Mr.P.Gunasekaran, Advocate sr.No.40927
+1cc to M/s.Ajmal Associates, Advocate Sr.No.40545
+1cc to The Spl.Government Pleader Sr.No.40797

SKM

VB/KK/SAR1/18/01/2018/3P/8C

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