



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.9457 of 2017
and

W.M.P.(MD) No.7195 of 2017

P.Mamundi

... Petitioner

Vs.

The Superintendent of Prison,
Central Prison,
Madurai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in No.17988/po3/16 dated 15.10.2016 and quash the same as illegal and unlawful and direct the first respondent herein to fix the petitioner's scale of pay as Rs.5200-20200 Plus Grade Pay of Rs.2400 and further direct the respondent to repay the amount recovered from the month of October 2016 within a time frame as may be stipulated by this Court.

For petitioner : Mr.J.Pooventhera rajan
For Respondent : Mr.M.Jeyakumar
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2.By consent of both parties, the main writ petition is taken up for final disposal.

3.The petitioner was working as Boiler Assistant in Central Prison, Madurai. His pay was down graded. An order of recovery was also made and this was done without any prior notice to the petitioner.

4.Therefore, on the ground of violation of the principles of natural justice, the order impugned in this writ petition is quashed. Liberty is however given to the respondent to pass orders afresh in accordance with law after affording due opportunity to the petitioner to put forth this case.



5. This Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

The Superintendent of Prison,
Central Prison,
Madurai.

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 42840
- + 1 CC TO Mr.J.POOVENDRA RAJAN, ADVOCATE IN SR No. 42676

TSG/PNN
TE/SKN-RSK/SAR-2 : 13/02/2018 : 2P/4C

ORDER MADE IN
W.P. (MD) No. 9457 of 2017 and
W.M.P. (MD) No. 7195 of 2017
18.01.2018