



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.6596 of 2011 and
MP (MD) Nos.1 and 2 of 2011

M.Seethalakshmi ... Petitioner
Vs.

1. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
2. The Assistant Elementary Educational Officer,
Mela Neeleedanallur,
Sankarankovil Taluk,
Tirunelveli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the order passed by the 2nd respondent dated 27.05.2011 in Na.Ka.No.Aa/1055/2009 and quash the same.

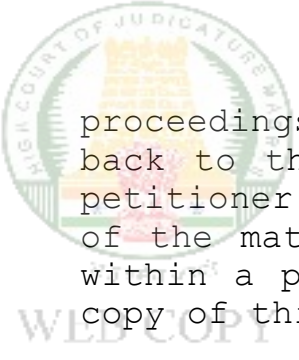
For Petitioner : Mr.N.Dilip Kumar
For Respondents : Mr.M.Muthu,
Additional Government Pleader,

ORDER

The order passed by the second respondent on 27.05.2011, cancelling the earlier fixation made in favour of the writ petitioner, is challenge in this writ petition.

2. The grievance of the writ petitioner is that the fixation was done in favour of the writ petitioner based on G.O.Ms.207, School Education(G2) Department, dated 30.09.2008. However, subsequently, Audit Objections were raised by the Accountant General of Tamil Nadu and the fixation done earlier was cancelled and pension was also refixed. The grievance of the writ petitioner is that before cancelling the fixation, no notice or opportunity was given to the writ petitioner to defend her case.

3.This Court is of an opinion that any order passed affecting the rights of an employee has to be passed only by providing an opportunity to the employee. Thus, the impugned order is in violation of the principles of natural justice. On this short ground the impugned order passed by the second respondent in



proceedings dated 27.05.2011 is quashed and the matter is remitted back to the second respondent to issue show cause notice to the petitioner and on receipt of her explanations, consider the merits of the matter and pass appropriate orders in accordance with law within a period of four months from the date of the receipt of a copy of this order.

4. Accordingly, the writ petition is allowed. However, there shall be no orders as to costs. Consequently, MP(MD)Nos.1 and 2 of 2011 are closed.

Sd/-
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
2. The Assistant Elementary Educational Officer,
Mela Neeleedanallur,
Sankarankovil Taluk, Tirunelveli District.

- +1. CC to Mr.N.Dilip Kumar, Advocate SR.No.43905
+1. CC to Special Government Pleader, SR.No.44594

ORDER MADE IN
W.P (MD) No. 6596 of 2011
24.01.2018

dsk
MKV-SV-MMS-SAR 3/21.2.2018/2P-5C