

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2019

Coram

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

W.P.No. 36698 of 2007

S. Chandrasekaran

... Petitioner

Versus

1. The Government of Tamil Nadu  
Rep., by its Principal and Secretary,  
Rural Development Department,  
Fort St. George, Chennai - 600 009.
2. The Director of Rural Development  
Department, Panagal Park,  
Saidapet, Chennai - 600 015.
3. The District Collector,  
Kancheepuram District.
4. The Principal Accountant General (A&E)  
No.361, Anna Salai, Chennai- 600 018. .... Respondents

PRAYER:

This writ petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his proceeding RC.No.52124/2006/PA.1, dated 01.10.2007 and the 4th respondent in his proceeding No. AG(A&E) Pension 3/11/C26-872/AR/06-07/229 dated 06.11.2006 and quash the same and consequently direct the respondents to pay the full DCRG amount of Rs.2,52,236/- to the petitioner.

For Petitioner

:Mr.K. Raja (No Appearance)

For Respondents 1 to 3

:Mr.N. Karthikeyan  
Additional Government Pleader

For Respondent-4

:M/s. J. Sreevidhya  
Standing Counsel

O R D E R

This Writ petition is filed calling for the records of the 3rd respondent in his proceeding RC.No.52124/2006/PA.1, dated 01.10.2007 and the 4th respondent in his proceeding No. AG(A&E) Pension 3/11/C26-872/AR/06-07/229 dated 06.11.2006 and quash the same and consequently direct the respondents to pay the full DCRG amount of Rs.2,52,236/- to the petitioner.

2. Heard the learned counsel appearing for the respondents and none appeared on behalf of the petitioner.

3. The writ petitioner was working as a Block Development Officer (Small Savings), Sriperumbudur, Panchayat Union, Kancheepuram District and he retired on 31.10.2006. At the time of settling the retirement benefits to the writ petitioner, namely DCRG, the 3rd and 4th respondents passed the impugned orders dated 06.11.2006, No.AG(A&G) Pension/II/C26-872/AR/06-07/229 and ROC.No.52124/2006/PA.1 dated 01.10.2007, respectively to recover from the DCRG. These impugned orders are under challenge in this writ petition.

4. It is seen that the 3rd and 4th respondent before passing the impugned order had not put the writ petitioner on notice. No opportunity was given to the writ petitioner. The impugned orders were passed in violation of principles of Natural Justice.

5. Therefore, the impugned order are quashed and the third and fourth respondent are directed to issue notice to the writ petitioner and after getting his explanations, pass afresh orders in accordance with law.

Accordingly, the writ petition stands allowed. No Costs.

Sd/-

Deputy Registrar (C.S)

//True Copy//

Sub Assistant Registrar

smn

To

1. The Principal and Secretary,  
Rural Development Department,  
Fort St. George, Chennai - 600 009.

2. The Director of Rural Development  
Department, Panagal Park,  
Saidapet, Chennai - 600 015.

3. The District Collector,  
Kancheepuram District,

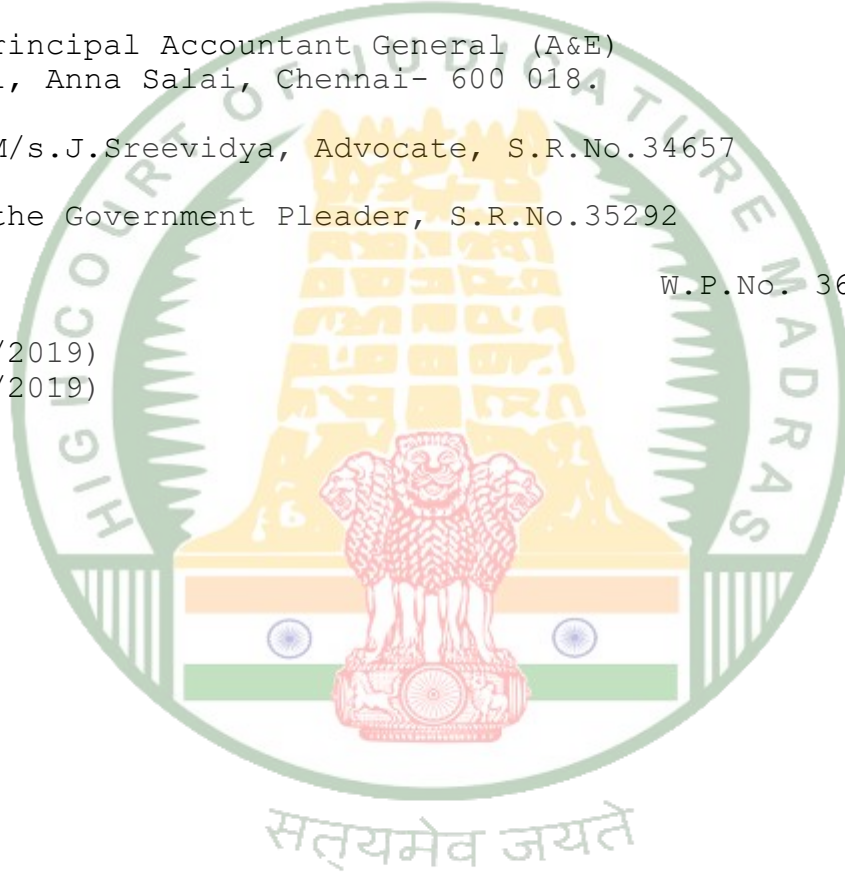
4. The Principal Accountant General (A&E)  
No.361, Anna Salai, Chennai- 600 018.

+1 cc to M/s.J.Sreevidya, Advocate, S.R.No.34657

+1 cc to the Government Pleader, S.R.No.35292

W.P.No. 36698 of 2007

GP(CO)  
SSM(04/06/2019)  
SSM(01/07/2019)



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