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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.10.2019

C O R A M

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.8067 of 2013

K.Selvaraj

... Petitioner

Vs.

1. The Secretary
Labour Welfare Employment and Training Dept.,
Fort St., George, Chennai - 600 009.
2. The Director
Employment and Training
Guindy, Chennai - 600 032.
3. The Principle Accountant General (A & E)
Tamil Nadu, Chennai.
4. The Deputy Director/Principal
Govt, Related Instruction Center
Govt. Industries Training Center Campus,
Salem - 7, Salem District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders dated 17.08.2012 in Sa.Mu.A.No.1471/A2/2012, Na.Ka.No.6595/A2/2012 dated 17.09.2012 and Na.Ka.No.6595/A2/2012-2 dated 26.10.2012 passed by the 4th respondent and quash the same, consequently direct the respondents to pay and recovered amount to the tune of Rs.95,800/- with interest to the petitioner.

For petitioner : Mr.M.Elango

For R1, R2 and R4: Ms.K.Bhuvaneswari
Additional Government Pleader

For R3 : Mr.S.Balaji



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years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

6. The respondent do not dispute that the said judgment is squarely applicable to the case on hand.

7. Writ petition is allowed. No Costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

dm

To

1. The Secretary
Labour Welfare Employment and Training Dept.,
Fort St., George, Chennai - 600 009.
2. The Director
Employment and Training
Guindy, Chennai - 600 032.
3. The Principle Accountant General (A & E)
Tamil Nadu, Chennai.
4. The Deputy Director/Principal
Govt, Related Instruction Center
Govt. Industries Training Center Campus,
Salem - 7, Salem District.

+1 CC to Mr.M.Elango, Advocate sr 90174
+1 CC to Mr.S.Balaji, Advocate sr 90107.
+1 CC to Govt.Pleader sr 90709.

W.P.No.8067 of 2013

SPD(CO)
SP(05/12/2019)