

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9589 of 2019

and

W.M.P.Nos.10196 & 10197 of 2019

S.Arulprakasam

... Petitioner

Vs

1.Chief Executive Officer
Tamil Nadu Khadi and Village Industries Board
Kuralagam
Chennai-600 108.

2.Assistant Director
Khadi and Village Industries
Anna Pattu Maaligai
Salem-636 001.

3.Assistant Director,
Khadi and Village Industries,
Mudalimar North Street,
Nagercoil-629 002.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of Certiorarified Mandamus, calling for the concerned records from the 2nd Respondent, quash the order of the 2nd Respondent dated 14.02.2019 bearing Na.Ka.No.1248/E/2018 and the order of the 2nd Respondent dated 25.02.2019 bearing Na.Ka.No.1248/E/2018 as illegal, arbitrary, in violation of Principal of natural justice and consequently the restore the pay of the Petitioner as fixed by the 2nd Respondent in the order bearing Na.Ka.No.1926/2013/E1 dated 11.11.2013 and also pay the amount any recovered and pay the arrears arising out of downgrading the pay.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.S.K.Bose

ORDER

The learned counsel appearing on behalf of the respondents states that scale of pay of the writ petitioner is sought to be revised through the impugned order dated 23.07.2002 without issuing any show cause notice and opportunity to the writ petitioner.

2. On a perusal of the order dated 23.07.2002, it is seen that there is no reference in respect of the opportunity provided to the writ petitioner. This being the factum, this Court is of the opinion that the present writ petition is a fit case for remand. Accordingly, the impugned order passed by the respondents dated 14.02.2019 stands quashed and the respondents are directed to issue show cause notice to the writ petitioner setting out the facts and details within a period of 4 weeks from the date of receipt of copy of this order. On receipt of the show cause notice from the respondent, the writ petitioner is at liberty to submit his representation/objection within a period of three weeks thereafter. On receipt of such explanation, the respondents are directed to consider the explanations as well as the materials available on record and pass orders within a period of 12 weeks from the date of receipt of copy of this Order.

Accordingly, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

ssb/gbi

To

1. Chief Executive Officer
Tamil Nadu Khadi and Village Industries Board
Kuralagam
Chennai-600 108.

2. Assistant Director
Khadi and Village Industries
Anna Pattu Maaligai
Salem-636 001.

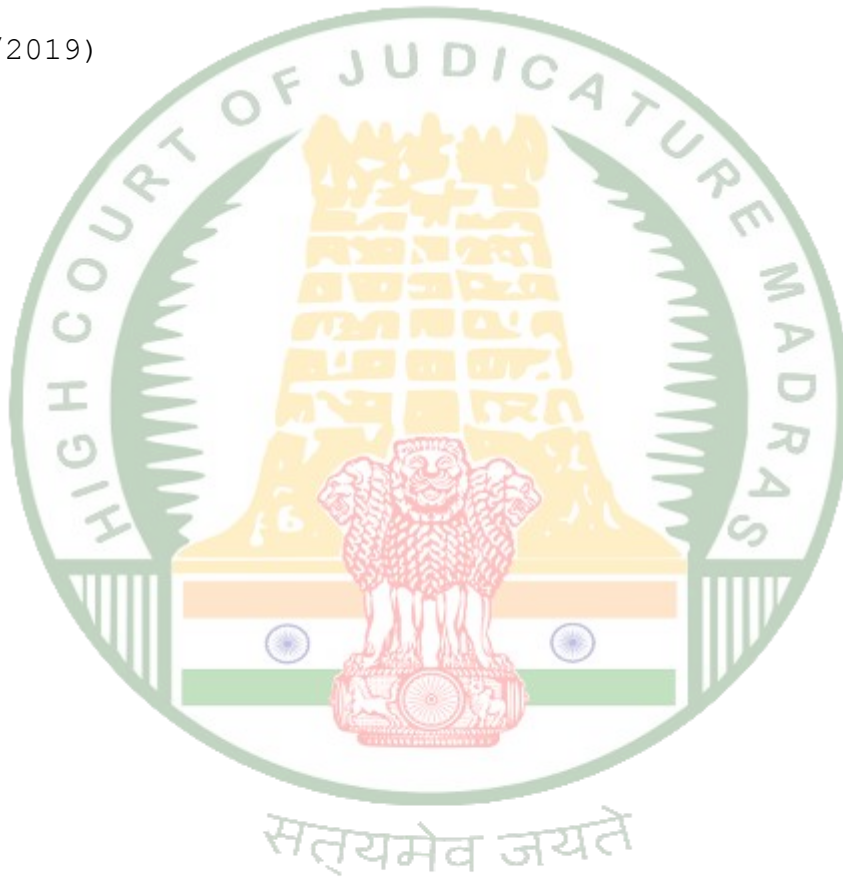
3.Assistant Director,
Khadi and Village Industries,
Mudalimar North Street,
Nagercoil-629 002.

+1cc to Mr.S.K.Bose, Advocate SR.No.33244

W.P.No.9589 of 2019
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VSN II (CO)
GMY (03/05/2019)



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