

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29886 of 2019 and

W.M.P.No.29791 of 2019

R.Chandran

... Petitioner

Vs.

1.The Accountant General,
Office of the Accountant General,
Teynampet,
Chennai-600 018

2.The Treasury Officer,
District Treasury Office,
Ootacamund,
The Nilgiris-643 001

3.The Sub-Treasury Officer,
Kotagiri,
The Nilgiris 643 217

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the entire records pertaining to the Impugned Order passed in Na.Ka.No.406/ 2019/T, dated 24.07.2019 on the file of the third respondent herein and quash the same and consequently direct the third respondent to reimburse the pension amount deducted in PPO Order No.A840776 / Edn.

For Petitioner : M/s.A.Bobblie

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

सत्यमेव जयते

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The learned counsel appearing for the petitioner would submit the the impugned order of recovery has been passed by the third respondent based on the audit objection made by the first respondent. However, the impugned order has been passed without issuing any show cause notice calling for explanation from the petitioner. In this regard the learned counsel appearing for the petitioner has relied upon the judgment in the case of State

of Punjab and Others Vs. Rafiq Masih (White Washer) and Others reported in (2015) 4 SCC 334.

3.The learned Government Advocate appearing for the respondents submitted that without following due process of law the exparte impugned order was passed and therefore the same may be quashed and the matter may be remanded back to the authorities for complying the due process of law.

4. Even perusal of the impugned order reveals that the third respondent has passed the impugned order based on the audit objection made by the first respondent. However it is the duty cast upon the official respondent to issue show cause notice calling for the explanation. Without following due process of law, the exparte impugned order of recovery was passed, which is unsustainable one. Accordingly, the impugned order is quashed and the matter is remanded back to the authorities for complying due process of law.

5. With the above observations, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Accountant General,
Office of the Accountant General,
Teynampet,
Chennai-600 018

2.The Treasury Officer,
District Treasury Office,
Ootacamund,
The Nilgiris-643 001

3.The Sub-Treasury Officer,
Kotagiri,
The Nilgiris 643 217.

+1cc to M/s.A.Bobblie, Advocate sr.88624
+1cc to Government Pleader SR.NO. 88241

W.P.No.29886 of 2019

mr(co)
nr 22/11/2019



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