

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.30933 of 2019
and
WMP.No.31023 of 2019

K. Ragupathy
Block Educational Officer, (Retired)
Kadambathur Education Block,
Kadambathur,
Tiruvallore District. ... Petitioner

Vs

1. State of Tamil Nadu,
Represented by Principal Secretary to Government
School Education Department,
Fort St. George, Chennai- 600 009.

2. The Director of Elementary Education,
DPI Complex, College Road,
Chennai- 600 006.

3. The Chief Educational Officer,
Tiruvallore District,
Tiruvallore.

4. The Principal Accountant General (A&E)
Tamil Nadu,
O/o. the Principal Accountant General,
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai - 600 018.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the third respondent bearing Na.Ka.No.5845/E1/2019 dated 09.10.2019 and to quash the same and consequently directing the respondents to settle the Gratuity and pension payment sanctioned by the fourth respondent including the regular pension payment with all othe consequential and attendant benefits along with interest in delay in payment and pass orders.

For respondents ... Mr. C. Munusamy, Spl.G.P
for R1 to R3

With the consent of both the parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner filed this Writ Petition seeking to call for the records relating to the impugned order issued by the third respondent bearing Na.Ka.No.5845/E1/2019 dated 09.10.2019 and to quash the same and consequently directing the respondents to settle the Gratuity and pension payment sanctioned by the fourth respondent including the regular pension payment with all other consequential and attendant benefits along with interest in delay in payment.

3. The case of the petitioner is that the petitioner was initially appointed as Secondary Grade Teacher in the year 1986 subsequently he retired on 30.06.2019. After his retirement, the third respondent issued an order of recovery dated 09.10.2019 as per which, it is stated that the revision of salary was wrongly fixed during VI Pay Commission recommendation by which, petitioner is paid with excess salary for the period from 01.01.2011 to 30.06.2019 to the tune of Rs.3,34,108/- and the same is sought to be recovered from the Gratuity payable challenging the same, the present Writ Petition is filed.

4. The learned counsel for the petitioner would submit that though 3rd respondent passed an impugned order as if the petitioner has received excess salary and the same was to be recovered to the extent of Rs.3,34,1108/-. The said order dated 09.10.2019 was passed without issuing a show cause notice or affording any opportunity to submit his explanation hence the order passed by the third respondent is bad in law.

5. The learned Special Government Pleader did not dispute the facts submitted by the petitioner.

6. In view of the above, the third respondent is directed to pass appropriate orders after affording opportunity of personal hearing to the petitioner in accordance with law. Hence the order of the third respondent impugned in this Writ Petition is set aside and the matter is remanded to the

authorrity for complying natural justice. The Writ Petition is allowed with the above terms. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

MRN

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai- 600 009.

2. The Director of Elementary Education,
DPI Complex, College Road,
Chennai- 600 006.

3. The Chief Educational Officer,
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O/o. the Principal Accountant General,
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+1cc to Mr.G.Sankaran, Advocate Sr.91185

+1cc to the Government Pleader Sr.91503

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ln[co]
srg 03/12/2019