



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

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THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WP(MD).No.14006 of 2019 and
WMP(MD).No.10489 of 2019

Kadar Mohideen

: Petitioner

Vs.

1.The Principal Secretary,
Commissioner of Treasuries and Accounts,
Integrated Complex for Finance Department,
Veterinary Hospital Campus,
Chennai - 35.

2.The Principal Accountant General (A & E),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 18.

3.The Commissioner of Agriculture,
Chepauk,
Chennai - 5.

4.The Treasury Officer,
Sivagangai,
Sivagangai District.

: Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 4th respondent through his Letter in Na.Ka.No.4264/G1/2018, dated 15.04.2019 and quash the same as illegal and consequently, direct the 2nd respondent to refix the petitioner pension to Rs.26,045/- in the pay band of Rs.37400/- + G.P.Rs.8,700/- as per G.O.Ms.No.448 dated 31.12.2010.

For Petitioner
<https://hcservices.ecourts.gov.in/hcservices/>
For R1, R3, R4

: Mr.S. Arivalgan
: Mr.M. Pandiarajan
Additional Government Pleader



For R2

: Mr. P. Gunasekaran
Standing Counsel

ORDER

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This Writ Petition has been filed seeking to call for the records of the impugned order passed by the 4th respondent in his Letter in Na.Ka.No.4264/G1/2018, dated 15.04.2019 and quash the same and consequently, direct the 2nd respondent to refix the petitioner's pension to Rs.26,045/- in the pay band of Rs.37400/- + G.P.Rs.8,700/- as per G.O.Ms.No.448, dated 31.12.2010.

2. Mr. M. Pandiarajan, learned Additional Government Pleader takes notice for respondents 1, 3 and 4 and Mr.P. Gunasekaran, learned Standing Counsel takes notice for 2nd respondent. By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner has filed the present Writ Petition mainly on the ground that the 4th respondent has passed the said impugned order, dated 15.04.2019, without providing an opportunity of hearing to the petitioner. The impugned order itself speaks that the respondents have pre-determined and without affording an opportunity of hearing to the petitioner to submit his explanation and passed the order. Therefore, the said impugned order is liable to be quashed.

4. The learned Standing Counsel appearing for the 2nd respondent is not in a position to answer the above said fact that whether the opportunity was granted to the petitioner.

5. Therefore, this Court has come to the conclusion that the said impugned order is *per se* illegal and in violation of principles of natural justice.

6. Considering the submissions made by both the learned Additional Government Pleader appearing for the respondents 1, 3 and 4 and the learned Standing Counsel appearing for the 2nd respondent, this Court has no hesitation to quash the said impugned order passed by the 4th respondent, dated 15.04.2019 and accordingly, the impugned order is quashed and liberty is granted to the respondents to proceed with the procedure contemplated in accordance with law, after providing an opportunity of hearing, to the petitioner. Till such time, the respondent concerned shall not proceed with any recovery. If the respondent accepts the explanation of the petitioner and if any amount already is recovered the same shall be refunded within a period of four weeks



7. In the result, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD I)

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Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
Commissioner of Treasuries and Accounts,
Integrated Complex for Finance Department,
Veterinary Hospital Campus,
Chennai - 35.

2. The Principal Accountant General (A & E),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 18.

3. The Commissioner of Agriculture,
Chepauk, Chennai - 5.

4. The Treasury Officer,
Sivagangai, Sivagangai District.

+1CC TO MR.P.GUNASEKARAN, ADVOCATE, SR.70635

+1CC TO MR.S.ARIVALAGAN, ADVOCATE, SR.70485

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO.70944

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KK(25.06.2019) 3 P 8 C