



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition (MD).No.8211 of 2019

and

W.M.P.(MD).Nos.9458 and 6448 of 2019

K.Natarajan

... Petitioner

Vs.

1.The Commissioner,
Transport Department,
Chepauk,
Chennai-600 005.

2.The Treasury Officer,
O/o.the Treasury Office,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, by calling for the records relating to the impugned order issued by the second respondent in his impugned proceedings Rc:2513./E1/19. Dated 21.03.2019 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar
For M/s.Ajmal Associates

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Challenging the impugned proceedings in Rc:2513./E1/19 passed by the second respondent, dated 21.03.2019, the present writ petition has been filed by the petitioner.

2.According to the petitioner, while the petitioner was working as Regional Transport Officer, Madurai (South), his pay was originally fixed in the scale of pay 15600-39100+5400 Grade pay, based on the recommendation of the Official Committee. Subsequently, based on the recommendation of One Man Commission dated 26.08.2018, the petitioner's scale of pay was revised as 15600-39100+6600 GP in terms of the Government Order dated 26.08.2010 with effect from 01.01.2006 notionally and with effect from 01.01.2007 monetarily. Thereafter, the second respondent by the impugned proceedings in Rc:2513/E1/19, dated 21.03.2009, has revised the pension of the petitioner with consequential recovery



amount of Rs.81,562/- and according to the petitioner, G.O.M.S.328 Finance (paycel) Department dated 31.10.2017, is not applicable to the petitioner.

3.The learned counsel for the petitioner would submit that the second respondent has violated the principles of natural justice and no opportunity was given to the petitioner, while passing the impugned order.

4.The learned Additional Government Pleader would submit that opportunity has been granted to the petitioner.

5.By considering the said submission as well as on perusal of the impugned order passed by the second respondent, it is clear from the said order that the second respondent has not provided opportunity to the petitioner, while passing the impugned order. Hence, the impugned order is liable to be quashed. Accordingly, the writ petition is allowed and the impugned order passed by the second respondent dated 21.03.2019 is quashed with liberty to the second respondent to proceed afresh in the manner known to law. No costs. Consequently, the connected W.M.P.(MD).Nos.9458 and 6448 of 2019 are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

akv/vsg

To:

1.The Commissioner,
Transport Department,
Chepauk,Chennai-600 005.

2.The Treasury Officer,
O/o.the Treasury Office,
Nagercoil, Kanyakumari District.

+1CC TO M/S.Special Government pleader Sr.No.70286

+1CC To M/S.AJMAL ASSOCIATES, Advocate, Sr.No.70199

Writ Petition (MD).No.8211 of 2019

and

W.M.P.(MD).Nos.9458 and 6448 of 2019

19.06.2019