



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.16471 of 2019**and****W.M.P. (MD) No.13136 of 2019**

R.Murugan

...Petitioner

Vs.

1.The Principal Secretary cum Commissioner,
HR&CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2.The Deputy Commissioner/Executive Officer,
Arulmigu Kallalagar Thirukovil,
Alagarkoil,
Melur Taluk,
Madurai District.

3.The Regional Audit Officer,
(Madurai South),
HR&CE Department,
Near Naveen Bakery,
Madurai - 625 001.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the second respondent ie., the Deputy Commissioner/Executive Officer, Arulmigu Kallalagar Thirukoil, Alagarkoil in his **ந.க.எண்.119/2019/அ5** நாள் 24.06.2019 and quash the same.

For Petitioner

:Mr.S.Visvalingam

For R1 & R3

:Mr.A.Muthukaruppan

Additional Government Pleader

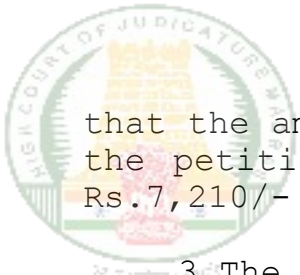
For R2

:Mr.V.Chandrasekaran

ORDER

This Writ Petition has been filed to quash the order dated 24.06.2019 passed in **ந.க.எண்.119/2019/m5** by the second respondent.

2.According to the petitioner, he is presently working as Typist cum Junior Assistant in Arulmigu Kallalagar Temple, Alagarkoil, Melur Taluk, Madurai District. In the meantime, the second respondent has issued the impugned recovery order by stating



that the amount ie., a sum of Rs.4,32,609/- has to be recovered from the petitioner's pay in sixty monthly installments at the rate of Rs.7,210/- per month.

3.The learned counsel for the petitioner would submit that without giving sufficient opportunity to the petitioner, the said impugned recovery order has been issued by the second respondent. Hence, the aforesaid impugned recovery order dated 24.06.2019 is liable to be quashed.

4.The learned Additional Government Pleader appearing for the respondents 1 and 3 would submit that on perusal of the records, it is seen that without providing an opportunity to the petitioner, the impugned recovery order dated 24.06.2019 has been issued. Hence, this Court may remand back the matter to the second respondent to consider the same afresh and pass appropriate orders in accordance with rules.

5.Considering the facts and circumstances of the case and in view of the submission made by the learned Additional Government Pleader, this Court has no hesitation to quash the said impugned charge memo. Accordingly, the order dated 24.06.2019 passed in ந.க.எண்.119/2019/m5 by the second respondent, is hereby quashed and the matter is remanded back to the second respondent to pass appropriate orders in accordance with rules, within a period of three months from the date of receipt of a copy of this order.

6.This Writ Petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary cum Commissioner,
HR&CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2.The Deputy Commissioner/Executive Officer,
Arulmigu Kallalagar Thirukovil,
Alagarkoil,
Meerut taluk,
Madurai District.



3.The Regional Audit Officer,
(Madurai South),
HR&CE Department,
Near Naveen Bakery,
Madurai - 625 001.

+1 cc Mr.S.VISVALINGAM ,Advocate, SR.No.77149
+1 cc Mr.V.CHANDRASEKAR ,Advocate, SR.No.77280
+1cc to M/s.Special Government Pleader,SR.No. 77696

W.P. (MD) No.16471 of 2019

MM

KK/SAR/30.07.2019/3P-7C

24.07.2019

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