



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) Nos.22133 and 22136 of 2019

and

W.M.P. (MD)Nos.18944 and 18945 of 2019

WEB COPY

P.Petchiammal ... Petitioner in W.P.(MD)No.22133 of 2019
Muthulakshmi ... Petitioner in W.P.(MD)No.22136 of 2019

-Vs-

The Chief Educational Officer,
O/o. Chief Educational Officer,
Thoothukudi. ... Respondent in both Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings in Na.Ka.No.25/A1/2019, dated ..10.2019 signed on 10.10.2019 issued by the respondent and quash the same.

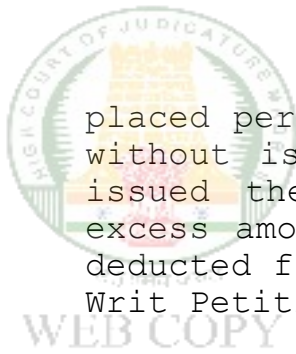
For Petitioner : Mr.R.Shriram
(in both Writ Petitions)
For Respondent : Mr.A.Thiagarajan,
(in both Writ Petitions) Government Advocate.

COMMON ORDER

These Writ Petitions are filed to quash the order of the respondent dated ..10.2019, signed on 10.10.2019.

2.Mr.A.Thiagarjan, learned Government Advocate takes notice on behalf of the respondent. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

3.According to the petitioners, they were selected to be appointed as Typist by the Tamil Nadu Public Service Commission, pursuant to the selection held in the year 2008. Due to the administrative reason, they were issued with appointment orders only on 10.09.2009 and 09.10.2009 respectively. The Government has decided to revise the scale of pay of new recruits, for which, one man committee was appointed. The said Committee had recommended the Government to extend the benefits to its new recruits appointed between 01.01.2006 and 31.05.2009. The Tamil Nadu Public Service Commission has issued a clarification that the persons, who were selected before 31.05.2009 and appointed on or after 01.06.2009, are also entitled for the revised scale of pay. Based on the said clarification, the scale of pay of the petitioners and similarly



placed persons, was revised and paid to the petitioners. While so, without issuing any notice to the petitioners, the respondent has issued the impugned order, calling upon the petitioners to pay excess amount paid to them, failing which the said amount would be deducted from their salary. Challenging the said order, the present Writ Petitions are filed.

4.Heard the learned counsel appearing for the petitioners, the learned Government Advocate appearing for the respondent and perused the materials available on record carefully.

5.From the materials on record, it is seen that the scale of pay of the petitioners was revised, based on the Government Order in G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010 and subsequently, based on the clarification issued by the Tamil Nadu Public Service Commission, the petitioners were paid revised scale of pay. The grievance of the petitioners is that without issuing notice to them, the respondent has issued the impugned order, calling upon the petitioners to repay the alleged excess amount paid to them. Considering the said fact that the impugned proceedings of the respondent in Na.Ka.No.25/A1/2019, signed on 10.10.2014 being issued without notice to the petitioners in violation of the principles of natural justice, the same is liable to be set aside and accordingly, set aside.

6.In the result, these Writ Petitions are allowed. However, it is open to the respondent to pass orders, after issuing notice to the petitioners and considering their objections. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The Chief Educational Officer,
O/o. Chief Educational Officer,
Thoothukudi.

+1 CC to SPL GP (SR-93559[F] dated 22/10/2019)
+2 CC to Mr.R.SHIRAM, Advocate SR-93696,93690

W.P. (MD) Nos.22133 and 22136 of 2019
21.10.2019

MYR

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