

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.31900 of 2007
and
M.P.No.2 of 2007

M.Ganesan

... Petitioner

Versus

1. The Engineer-in-Chief WRO, &
Chief Engineer (General)
Public Works Department,
Chepauk,
Chennai-600 005.
 2. The Deputy Accountant General (Works)
Office of The Principal Accountant General
(Audit) I, Tamil Nadu & Pondicherry,
Teynampet,
Chennai- 600 018.
 3. The Secretary to Government,
Public Works Department,
Fort St. George,
Chennai-600 009.
 4. The Superintending Engineer,
Buildings (C & M) Circle,
Kumarasamipatti,
Salem-636 007
- सत्यमेव जयते ... Respondents

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the second respondent herein pertaining to the impugned order passed in proceedings No.A.G.(Audit) I/WAD IV/IV/ IR No.12A-101/2004-05/70 dated 13.01.2005 and the proceedings of the 4th respondent in Proceedings No.2208/2007/Nee.Vu.1 dated 04.07.2007 and the consequential proceedings of the 4th Respondent in No.2208/2007/Nee.Vu 1 C.R.3 Varu dated 17.07.2007 and letter No.3255/2007/Nee.Vu.1 dated 05.09.2007 and quash the same.

For Petitioner : Mrs.S.T.S.Murthi

For Respondents : Mr.Naveen Kumar Murthi
(R1 to R4)

O R D E R

This Writ Petition has been filed challenging the order of the second respondent passed in proceedings No.A.G.(Audit) I/WADIV/IV/ IR No.12A-101/2004-05/70 dated 13.01.2005 and the proceedings of the 4th respondent in Proceedings No.2208/2007/Nee.Vu.1 dated 04.07.2007 and the consequential proceedings of the 4th Respondent in No.2208/2007/Nee.Vu 1 C.R.3 Varu dated 17.07.2007 and letter No.3255/2007/Nee.Vu.1 dated 05.09.2007 and quash the same.

2. The main grievance of the petitioner is that though he is entitled for the salary as fixed earlier in view of G.O.Ms.No.57, Finance dated 28.01.1991, subsequently without giving prior notice to the petitioner the impugned order of recovery has been passed and therefore the order is liable to be set aside.

3. The learned counsel appearing for the respondents would submit that recovery order will be passed after giving an opportunity of hearing to the petitioner .

4. Heard both sides.

5. Admittedly in this case revisional order of recovery is passed, without issuing prior notice to the petitioner, which is in violation of Principles of Natural Justice.

6. In view of the same, this Writ Petition is allowed and the impugned orders are set aside and the respondent is directed to serve notice to the petitioner before passing an order of recovery and after getting explanation from the petitioner, shall consider the same and pass orders on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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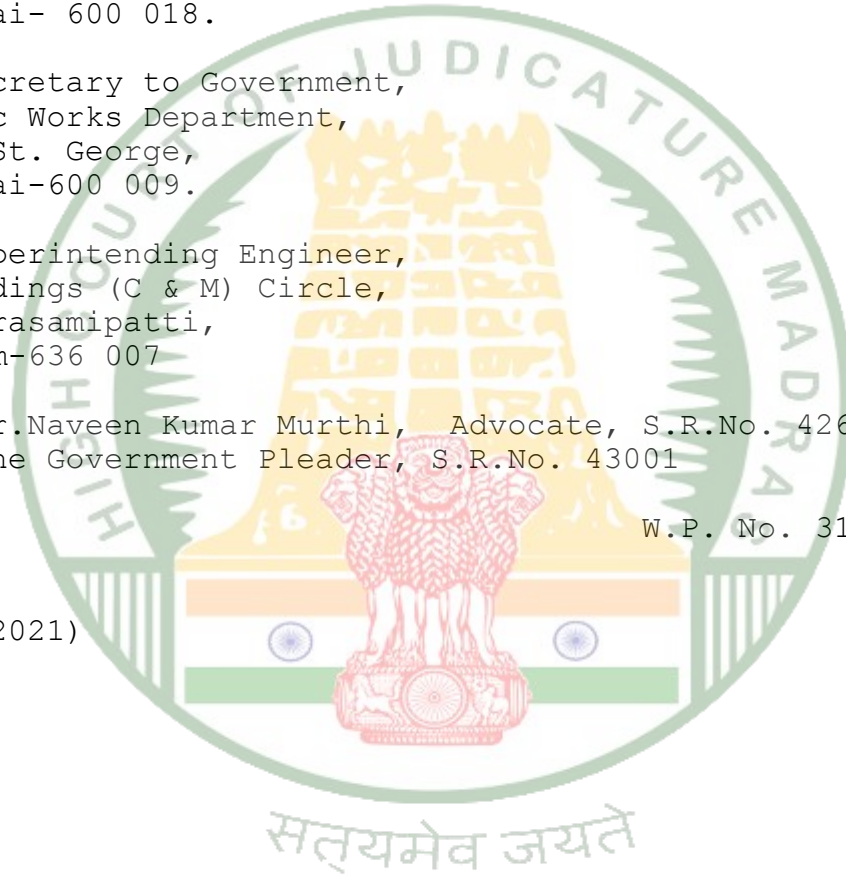
To

1. The Engineer-in-Chief WRO, &
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2. The Deputy Accountant General (Works)
Office of The Principal Accountant General
(Audit) I, Tamil Nadu & Pondicherry,
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4. The Superintending Engineer,
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Kumarasamipatti,
Salem-636 007

+lcc to Mr.Naveen Kumar Murthi, Advocate, S.R.No. 42666
+lcc to the Government Pleader, S.R.No. 43001

W.P. No. 31900 of 2007

SR II (CO)
GN(19/01/2021)



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