

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.35955 and 35956 of 2004

P.R.Kumaran

...Petitioner in both W.Ps

Vs

1.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.

2.The Zonal Officer,
Zone III,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.

... Respondents in both W.Ps

Prayer in W.P.No.35955 of 2004 : Writ Petitions filed under Article 226 of the Constitution of India, seeking issuance of writ of of certiorari, to call for the records of the first respondent in his proceedings Po.Thu.Na.Ka.No.B10/9169/2002 dated 4.4.2003 in respect of recovery of a sum of Rs.37,770/- as salary for the period 1.7.2002 to 30.9.2002 and 1.7.2002 to 31.3.2003 and quash the same.

Prayer in W.P.No.35956 of 2004 : Writ Petitions filed under Article 226 of the Constitution of India, seeking issuance of writ of of certiorari, to call for the records of the second respondent in his proceedings Ma.A1.Na.Ka.No.A1/158/2003 dated 17.2.2003 and quash the same.

For Petitioner : Mr.R.Ramanlaal
in both W.Ps

For Respondents : Mr.K.Raja Shrinivas
Standing Counsel
in both W.Ps

COMMON ORDER

These writ petitions have been filed to quash the proceedings of the first and second respondent dated 4.4.2003 and 17.2.2003, respectively.

2. According to the petitioner, he was working as a Driver in the second respondent Corporation and had retired from service on 30.6.2002. At the time of retirement, no disciplinary proceedings were pending against the petitioner. Subsequently, the second respondent, by proceedings dated 17.02.2003, revised the scale of pay of the petitioner and also deducted a sum of Rs.20,490/- from his retirement benefits, as salary, which was paid to the petitioner in excessive for the period 01.01.1996 to 30.6.2002. Further, the first respondent, by his proceedings dated 04.04.2003, sanctioned the pensionary benefits, in which, a sum of Rs.31,457/- has been deducted as salary paid in excessive for the period from 01.07.2002 to 30.09.2002 and 01.07.2002 to 31.3.2003. Challenging the same, the present writ petitions have been filed by the petitioner.

3. The learned counsel for the petitioner would submit that the respondents had not given any reason as to why they have paid excessive payments to the petitioner. Further, without issuing any show cause notice and affording an opportunity of personal hearing to the petitioner, the respondents deducted the amount as stated above.

4. Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondents and perused the materials available on record.

5. Admittedly, the respondents have not shown any disciplinary proceedings or show cause notice before passing an impugned order as against the petitioner. Further, any deduction made from the pensionary benefits of the petitioner, the respondents have to give an opportunity to submit his explanation. Without furnishing the same, the respondents passed the impugned orders, which warrants interference of this Court.

6. Therefore, the orders passed by the first and second respondent in proceedings Po.Thu.Na.Ka.No.B10/9169/2002 dated 4.4.2003 and Ma.A1.Na.Ka.No.A1/158/2003 dated 17.2.2003, respectively are set aside and the respondents are directed to pay the deducted amount to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, these writ petitions are allowed.
There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

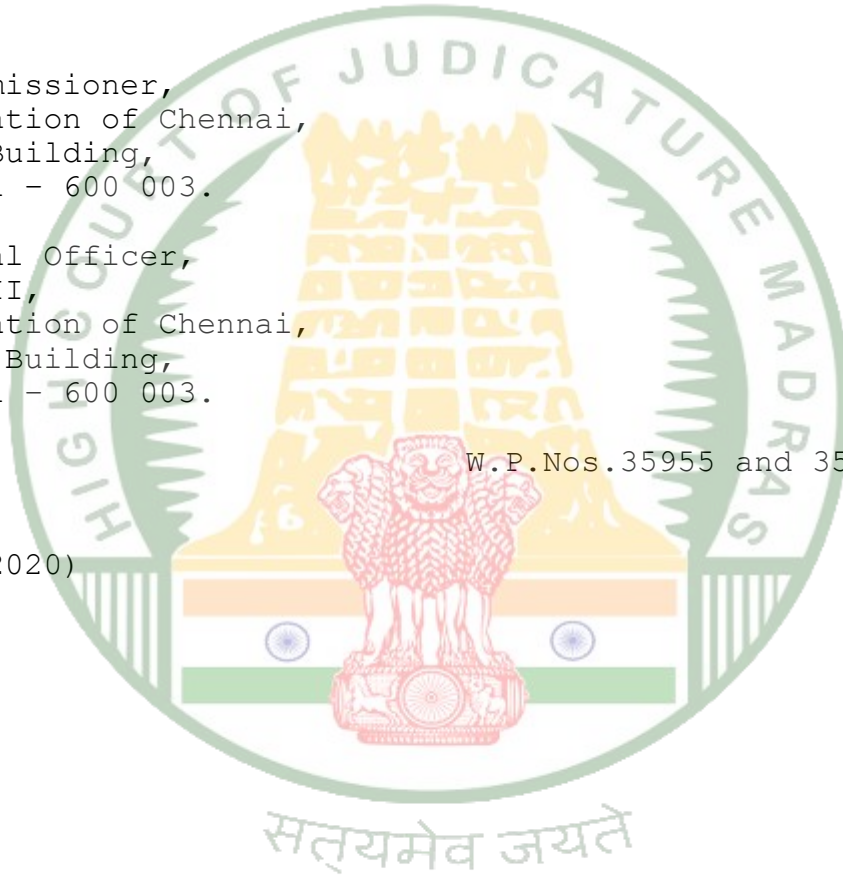
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To

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KJ(CO)
NS(29/12/2020)



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