



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.16898 of 2012

and

M.P. (MD) No.1 of 2012 and 1 of 2013

R.Chellakumar Pandian

... Petitioner

-Vs-

1.The District Elementary Educational Officer,
Tirunelveli-1, Tirunelveli District.

2.The Additional Assistant Elementary Educational Officer,
Melaneelithanallur - 627 953,
Sankarankovil Taluk, Tirunelveli District.

3.The Correspondence,
T.D.T.A. Primary and Middle Schools,
CSI Church, Uthumalai-627 860,
V.K.Puthur Taluk, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to proceedings in Na.Ka.No.333/A2/2011, dated 01.12.2012 of the second respondent herein and quash the same.

For Petitioner : Mr.T.Ponramkumar

For R1 and R2 : Mrs.S.Srimathy
Special Government Pleader

For R3 : No Appearance

ORDER

The order of recovery passed by the second respondent, in proceedings, dated 01.12.2012, is under challenge in the present writ petition.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner was working as the Headmaster and based on the audit objections, the selection grade pay was objected. Accordingly, the undue impugned order of recovery was issued. The grievances of the writ petitioner is that



no show cause notice or opportunity was provided to the writ petitioner even to defend the case.

3.This Court is of the considered opinion that any order affecting the rights or service conditions of an employee is to be passed by the competent authorities only after providing an opportunity to the employee concerned. The principles of natural justice requires that the show cause notice is to be issued enabling the employee to submit explanations/objections, if any. In the present case, no such opportunity was provided and the learned Special Government Pleader for the respondents 1 and 2 is also unable to establish the opportunity, if any, given to the writ petitioner. Thus, the impugned order passed by the second respondent in Na.Ka.No.333/A2/2011, dated 01.12.2012, is quashed and the matter is remanded back to the second respondent for reconsideration. Accordingly, the second respondent is directed to issue show cause notice setting out all the facts and details to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order and on receipt of the show cause notice, the petitioner is directed to submit his explanations/objections within a period of two weeks thereafter and on receipt of the explanations, the second respondent is directed to consider the merits and pass appropriate speaking orders within a period of twelve weeks therefrom.

4.Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The District Elementary Educational Officer,
Tirunelveli-1, Tirunelveli District.

2.The Additional Assistant Elementary Educational Officer,
Melaneelithanallur - 627 953,
Sankarankovil Taluk, Tirunelveli District.

+1 CC to M/s.T. PON RAMKUMAR, Advocate (SR-20377[F] dated 16/10/2020)

W.P. (MD).No.16898 of 2012
14.10.2020

sji

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