



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2020

CORAM :

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P. (MD)No.7146 of 2020

and

W.M.P. (MD) .No.6581 of 2020

(Through Video Conferencing)

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... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Thuckalai,
Kanyakumari District.

2.The President,
Irenipuram Primary Agricultural
Co-operative Bank Ltd.,
Killiyoor Post,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent dated 13.05.2020, quash the same as illegal and unconstitutional and consequently direct the 2nd respondent to refund the already recovered salary out of 18 installments.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mrs.S.Srimathy

Special Government Pleader

ORDER

By consent of both counsels, this Writ Petition is taken up for final disposal.

2.This Writ Petition has been filed for a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 13.05.2020 passed by the 2nd respondent, quash the same as illegal and unconstitutional and consequently direct the 2nd respondent to refund the already recovered salary out of 18 installments.

3. The case of the petitioner is that by an order dated 15.09.2017, the petitioner was promoted as an Attender. The impugned order seeks to not only revoke the promotion without notice to the petitioner but also seeks to recover the enhanced salary paid to the petitioner pursuant to the aforesaid promotion.



4. The learned Special Government Pleader appearing for the respondents submits that the appointment of the petitioner was irregular and therefore, the promotion given to the petitioner was also irregular and therefore, the petitioner was not entitled to notice before passing of the impugned order.

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5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

6. Since the impugned order has been passed without any notice, I am of the view that there is a manifest violation of principle of natural justice. Thus, the impugned order is quashed. At the same time, the impugned order shall be treated as Show Cause Notice. Therefore, the petitioner is directed to give her reply to the same within a period of 30 days from the date of receipt of a copy of this order.

7. The 2nd respondent is therefore directed to pass a fresh order within a period of 60 days thereafter. Needless to state, before passing such order, the petitioner shall be heard.

8. This Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar (CS)

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To

1.The Deputy Registrar of Co-operative Societies,
Thuckalai,
Kanyakumari District.

2.The President,
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