



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8323 of 2020

and

W.M.P (MD)Nos.7724 and 7729 of 2020

A.Subbiah

... Petitioner

Vs.

1.The Principal District Judge,
Virudhunagar District
at Srivilliputur.

2.The Chief Judicial Magistrate,
Srivilliputur,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records dated 04.03.2020 pertaining to the impugned order of recovery and re-fixation on the file of the second respondent and quash the same as arbitrary, ultra vires, contrary to the principles of natural justice, *audi alteram partem* and G.O.Ms.No.286 (Finance Pension Department) dated 28.08.2018.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.G.Thalaimutharasu

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ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.)**

The petitioner makes a challenge to the Office Note, which, according to the learned Counsel for the petitioner is the impugned proceedings as to the revision of pay and recovery of excess amount.

2. Mr.G.Thalaimutharasu, learned Standing Counsel accepts notice on behalf of the respondents and would submit that it is only an internal communication and unless there is a separate communication as to the acceptance of the said proposal, the petitioner, as of now, may not have any grievance and hence, the writ petition is a premature one.

3. In response to the said submission, the learned Counsel for the petitioner prays leave of this Court to withdraw this writ petition with liberty to challenge the re-fixation/revision of pay



and recovery as and when it is made and he also undertakes to make an endorsement through e-mail.

4. In the light of the same, this writ petition is dismissed as withdrawn, granting liberty to the petitioner to make challenge to the impugned proceedings, if any, as to the re-fixation/revision of pay and recovery. No costs. Consequently, the connected writ miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RSB

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal District Judge,
Virudhunagar District
at Srivilliputur.
- 2.The Chief Judicial Magistrate,
Srivilliputur,
Virudhunagar District.

W.P. (MD)No.8323 of 2020

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SPU(12.08.2020) 2P 3C