



W.P. (MD).Nos.19062, 19063, 19064, 19065,
19066, 19067, 19068, 19332, 19333,
19334, 19335, 19336 and 19944 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

**W.P. (MD).Nos.19062, 19063, 19064, 19065, 19066, 19067, 19068, 19332,
19333, 19334, 19335, 19336 and 19944 of 2014**

and

**MP (MD) Nos.1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1 and 1 of 2014,
1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1 and 1 of 2015**

S.Vijaya	: Petitioner in W.P (MD) No.19062/2014
V.Baby	: Petitioner in W.P (MD) No.19063/2014
K.C.Meena	: Petitioner in W.P (MD) No.19064/2014
K.Alamelu	: Petitioner in W.P (MD) No.19065/2014
M.Paramasivam	: Petitioner in W.P (MD) No.19066/2014
M.Kokila	: Petitioner in W.P (MD) No.19067/2014
K.Pavun	: Petitioner in W.P (MD) No.19068/2014
N.Kavitha	: Petitioner in W.P (MD) No.19332/2014
T.Charmila	: Petitioner in W.P (MD) No.19333/2014
S.Tamilselvi	: Petitioner in W.P (MD) No.19334/2014
P.Malarselvi	: Petitioner in W.P (MD) No.19335/2014
S.Mary Theivanai	: Petitioner in W.P (MD) No.19336/2014
G.Selvi	: Petitioner in W.P (MD) No.19944/2014

-Vs-

1. The District Elementary Educational Officer,
Karur, Karur District.
 2. The Additional Assistant Elementary Educational Officer,
Karur Union,
Karur District.
- : Respondents in all Wps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to proceedings Na.Ka.No.1272/A1/2014, dated 29.10.2014 served on 18.11.2014 of the second respondent herein and quash the same and consequently direct the respondents herein to continue a pay the Selection Grade Pay in the cadre of Primary School Headmaster with effect from 10.12.2010, 07.12.2010, 02.01.2010, 03.01.2010, 01.03.2010, 02.01.2010, 07.12.2010, 03.01.2010,

<https://hcservices2.courts.gov.in/hcservices/>



W.P. (MD).Nos.19062, 19063, 19064, 19065,
19066, 19067, 19068, 19332, 19333,
19334, 19335, 19336 and 19944 of 2014

06.12.2010, 07.12.2010, 27.02.2010, 03.01.2010, 02.01.2010,
04.03.2011 and 17.12.2009 to the petitioners respectively.

For Petitioner : Mr.T.Ponramkumar
(in all W.Ps)
For Respondents : Mrs.S.Srimathy
(in all W.Ps) Special Government Pleader

COMMON ORDER

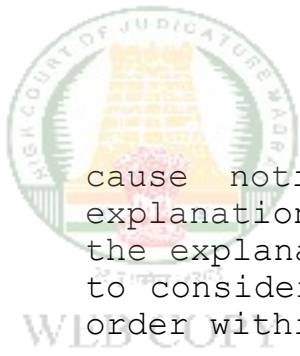
All these writ petitions are filed challenging the orders of recovery passed by the second respondent. The petitioners are working as Teachers in the Education Department and the benefit of Selection Grade and Special Grade were granted and their respective pay were refixed. While undertaking the process of re-fixation, some error occurred and the audit party raised an objection with reference to the erroneous fixation of pay on the Selection Grade and Special Grade. Due to the objections raised by the audit party, the impugned orders of recovery has been issued by the second respondent.

2.The learned counsel appearing on behalf of the writ petitioners reiterated that no opportunity or notice was issued to the writ petitioners and they were unable even to defend their cases before the authorities concerned. Thus, unilateral decisions taken by the authorities are in violation of the principles of natural justice.

3.Any order, affecting the service benefits of the employees, should be passed by the competent authorities, only after issuing a show cause notice and by providing an opportunity to the employees who all are likely to be affected. In other words, the show cause notice must contain the details of the irregularities or excess amount pay and on receipt of explanation from the persons aggrieved, the competent authorities are bound to pass orders on merits and in accordance with law.

4.The learned Special Government Pleader appearing on behalf of the respondents/department is unable to establish that the show cause notice or opportunity was issued to the writ petitioners. Thus, the impugned orders had been issued in violation of the principles of natural justice.

5.Accordingly, the impugned orders passed by the second respondent, in proceedings, dated 29.09.2014 and 29.10.2014, respectively, signed on 18.11.2014 are quashed. The respondents are directed to issue show cause notice setting out the facts and details to the writ petitioners within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show



W.P. (MD).Nos.19062, 19063, 19064, 19065,
19066, 19067, 19068, 19332, 19333,
19334, 19335, 19336 and 19944 of 2014

cause notice, the petitioners are at liberty to submit their explanations within a period of two weeks thereafter. On receipt of the explanations, the competent authorities/respondents are directed to consider the merits and demerits of the case and pass a speaking order within a period of twelve weeks therefrom.

6.With these directions, all the writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The District Elementary Educational Officer,
Karur, Karur District.
2. The Additional Assistant Elementary Educational Officer,
Karur Union, Karur District.

+13 CCs to Mr.T.PON RAMKUMAR, Advocate SR-20375.

W.P. (MD).Nos.19062, 19063, 19064,
19065, 19066, 19067, 19068, 19332,
19333, 19334, 19335, 19336 and 19944 of 2014
16.10.2020

NA (CO)
CS (19.11.2020) 3P 16C