



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No. 19248 of 2014

and

M.P.(MD)Nos.1 and 2 of 2014

and

M.P.(MD)No.1 of 2015

K.Vijayalakshmi

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Karur District.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in proceedings Na.Ka.No.1272/A1/2014, dated 29.10.2014 and quash the same and consequently direct the respondents herein to continue to pay the salary and increment as per the revised pay scale on Selection Grade Head Master of Primary School sanctioned by the Government with arrears of pay and periodical increments and other monetary benefits accrued to her service.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

The order of recovery issued by the second respondent in proceedings dated 29.10.2014 is sought to be quashed in the present writ petition.

2. The petitioner was appointed as Secondary Grade Teacher and further promoted as Headmistress of elementary school. The selection grade pay was granted to the writ petitioner and subsequently due to the audit objections, the pay granted to the writ petitioner was treated as excess and accordingly the said excess amount is sought to be recovered from the writ petitioner.



3. Learned Counsel appearing on behalf of the writ petitioner made a submission that no notice or opportunity was provided to the writ petitioner even to defend her case by submitting explanations.

4. Learned Counsel appearing on behalf of the respondents is unable to establish that an opportunity was provided to the writ petitioner.

5. This Court is of the considered opinion that any order affecting the service conditions or the rights of the employees is to be passed only after issuing show cause notice and by providing opportunity to the aggrieved employees to submit their explanations/objections. There is no indication in the impugned order regarding opportunity provided to the writ petitioner. Thus the impugned order is in violation of the principles of natural justice. Accordingly, the impugned order passed by the second respondent in proceedings Na.Ka.No.1272/A1/2014, dated 29.10.2014 is quashed and the matter is remitted back to the second respondent.

6. The second respondent is directed to issue show cause notice 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 notice, the petitioner is directed to submit his explanation within a period of two weeks thereafter and on receipt of the explanation if any, the second respondent is directed to consider the materials available on record and take a decision and pass a speaking order within a period of twelve weeks there from.

7. With the above observations, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SSL

To

1.The District Elementary Educational Officer,
Karur District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to SGP (SR-20451[F] dated 16/10/2020)

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SSS(CO)

KM (05.11.2020) 3P 4C