



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.2160 of 2015

and M.P. (MD) Nos.1 and 2 of 2015

WEB COPY

K.Paramasivan

... Petitioner

-Vs-

1.The Director of Agriculture,
Office of the Director of Agriculture,
Chepauk, Chennai-5.

2.The Joint Director of Agriculture,
Office of the Joint Director of Agriculture,
Collectorate Campus,
Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of reduction of pay in Ni.2/2299/2009, dated 29.10.2012 and the consequential order of recovery in Se.Mu.Order.No.K7/10087/2014, dated 05.11.2014 on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.G.Karthick
for M/s.T.Lajapathi Roy

For Respondents: Mr.CM.Mari Chelliah Prabhu
Additional Government Pleader

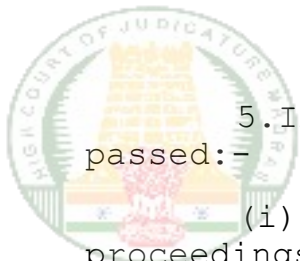
ORDER

The impugned order of reduction of pay and recovery, is under challenge in the present writ petition.

2.The petitioner was working as Assistant Agriculture Officer in the Department of Agriculture and based on the Audit Objections, the pay fixed was reduced and recovery was issued.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that the impugned reduction of pay as well as the recovery was imposed without even issuing any show cause notice to the petitioner and to defend his case.

4.The learned Additional Government Pleader appearing on behalf of the respondents are unable to establish that a show cause notice and an opportunity was provided to the writ petitioner.



5. In this view of the matter, the following orders are passed:-

(i) The impugned order passed by the second respondent in proceedings No.Ni.2/2299/2009, dated 29.10.2012 and the consequential order of recovery, in proceedings No.Se.Mu.Order.No.K7/10087/2014, dated 05.11.2014, are quashed;

(ii) The respondents are 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 show cause notice, the petitioner is directed to submit his explanations/documents, within a period of two weeks thereafter;

(iii) On receipt of the explanation, the respondents shall consider the case on merits and pass appropriate orders in accordance with law and by providing an opportunity to the writ petitioner.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The Director of Agriculture,
Office of the Director of Agriculture,
Chepauk, Chennai-5.

2. The Joint Director of Agriculture,
Office of the Joint Director of Agriculture,
Collectorate Campus, Tuticorin.

+1 CC to SGP (SR-23150[F] dated 27/11/2020)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-23047[F] dated 27/11/2020)

W.P. (MD) .No.2160 of 2015

26.11.2020

SJ(CO)

NR (07/12/2020) 2P : 5C
<https://hcservices.ecourts.gov.in/hcservices/>