



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.6797 of 2015

and

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

and

W.M.P. (MD) No.11029 of 2016

WEB COPY

V.Karl Marx

... Petitioner

-Vs-

The District Officer,
Fire and Rescue Services,
Tirunelveli,
Tirunelveli District.

... Respondent

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 recovery in Pa.Aa.No.66/2015, Na.Ka.No.13817/Aa/2013-3, dated 16.03.2015, signed on 06.04.2015 on the file of the respondent and quash the same as illegal.

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

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

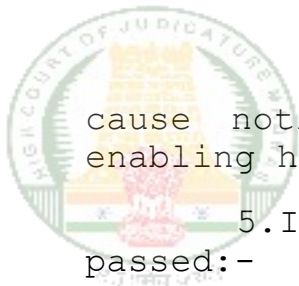
ORDER

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

2.The writ petitioner is working in the Fire and Rescue Services Department. He is a Fireman and his pay was fixed in accordance with the Government orders and Pay Rules in force. The impugned order dated, 16.03.2015 was issued surprisingly, stating that the pay fixation done by the establishment was erroneous. Consequently, the recovery is also imposed.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that the reduction of pay and recovery was imposed without issuing any show cause notice and opportunity to the writ petitioner. Thus, the impugned orders are in violation of the principles of natural justice.

4.The learned Additional Government Pleader appearing on behalf of the respondent is unable to establish that the show



cause notice or an opportunity was given to the petitioner, enabling him to defend the case.

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

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(i) The impugned order passed by the respondent in proceedings No.Pa.Aa.No.66/2015, Na.Ka.No.13817/Aa/2013-3, dated 16.03.2015, signed on 06.04.2015, is quashed;

(ii) The 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 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 respondent 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 (W)

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/ /2020

Sub Assistant Registrar (CS)

sjj

To
The District Officer,
Fire and Rescue Services,
Tirunelveli, Tirunelveli District.

+1 CC to SGP (SR-23151[F] dated 27/11/2020)

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-23048[F] dated 27/11/2020)

W.P. (MD).No.6797 of 2015
26.11.2020

SJ(CO)

KM (07.12.2020) 2P 4C

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