



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20065 of 2021

and

W.M.P.Nos.21319 & 21320 of 2021

(Through Video Conferencing)

Karthika

... Petitioner

Vs

1.The Additional Director General of Police
and Inspector General of Prison,
Tamil Nadu Prison Department,
C.M.D.A Towers, Egmore, Chennai - 600 008.

2.The Superintendent of Prison,
Central Prison, Salem,
Salem.

3.The Sub-Collector,
Thirukovilur, Villupuram 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 from the 2nd respondent passed in proceedings No.9451/P00.1/2019 dated 29.08.2019 and quash the same and consequently direct the respondents to repay the amount if any already deducted from the petitioner.

For Petitioner : Mr.M.R.Senthilkumar

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner was initially appointed as an Assistant Jailer in the Prison Department in the year 2018 pursuant to an application called for in the year 2019 by the Tamil Nadu Public Service Commission. After being appointed as a Assistant Jailer with the 2nd respondent, the petitioner has also undergone a training between 03.07.2018 and 03.04.2019 and reported duty on



04.04.2019. Meanwhile, the petitioner also participated in the Group-IV examination after obtaining no objection from the 2nd respondent and was subsequently selected as a Village Administrative Officer under the control of the 3rd respondent. Since the petitioner got qualified in the examination conducted by the Tamil Nadu Public Service Commission for the post of Village Administrative Officer, the petitioner was allowed to be relieved and thereafter joined the post of the Village Administrative Officer under the jurisdiction of the 3rd respondent.

2.By the impugned order, the respondents are now seeking to recover a sum of Rs.5,000/- per month stating that the petitioner was liable to repay a sum of Rs.3,93,632/- paid as salary and other allowance during the training period as a Assistant Jailer.

3.The learned counsel for the respondent submits that the writ petition is without merits in as much as the petitioner had joined with the 2nd respondent as a Assistant Jailer and the Government had to incur expenses not only for her training but also towards salary. Therefore, there is no merits in the present writ petition.

4.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and also perused the impugned order.

5.The impugned order has been passed seeking to recover a sum of Rs.3,23,000/- is without issue of a proper show cause notice. Unless the petitioner had issued with a proper show cause notice such recovery proceedings cannot be countenanced.

6.Considering the same, the impugned order seeking to recover a sum of Rs.3,93,632/- being the salary and the allowance paid during the training as a Assistant Jailer between 02.07.2018 and 03.04.2019 stands quashed. However, the impugned order which stands quashed shall be treated as a show cause notice issued to the petitioner. The petitioner shall give a reply/representation to the 3rd respondent within a period of 30 days from the date of receipt of a copy of this order. All further recovery proceedings will be subject to the final outcome of the aforesaid proceedings.

7.The respondents are directed to pass appropriate orders on merits and in accordance with law. After considering all the relevant Government Orders that are applicable in the facts and circumstances of the case within a period of four months from the date of receipt of a copy of this order.



8.This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional Director General of Police
and Inspector General of Prison,
Tamil Nadu Prison Department,
C.M.D.A Towers, Egmore, Chennai - 600 008.

2.The Superintendent of Prison,
Central Prison, Salem,
Salem.

3.The Sub-Collector,
Thirukovilur, Villupuram District.

+1cc to Mr.M.R.Senthil Kumar, Advocate Sr.49598
+1cc to the Government Pleader Sr.50108

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BS (CO)
srg 10/11/2021