



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22572 of 2021
and
W.M.P.No.23799 of 2021

(Through Video Conferencing)

N.Devika

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamilnadu,
Finance Pay Cell Department,
Secretariat Building, Chennai - 600 009.
2. The Principal Accountant General (A&E),
Office of the Principal Accountant General (A&E),
361, Anna Salai, Teynampet, Chennai - 600 018.
3. The Additional Director General of Police (Intelligence),
Office of the Director General of Police,
Chennai - 600 004.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order issued by the 3rd respondent in D.O.278/2021 & C.No.A1/0911/2021 dated 02.07.2021 and quash the same and direct the 3rd respondent to restore the pay scale of 17580+5400 in the pay band of Rs.15600-39100+5400 by applying the additional fitment table-15 from 12.12.2007 notionally and monetary benefit from 01.08.2010 and calculate the pension and other terminal benefits from my last drawn salary of Rs.95,500/- in the Pay Level-22, Cell (19) as accrued thereon and settle the remaining terminal benefits along with interest.

For Petitioner : M/s.G.Kiruthika

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



ORDER

The petitioner has challenged the impugned order dated 02.07.2021 of the 3rd respondent and has prayed for consequential direction to restore the pay scale of the petitioner of Rs.17580+5400 in the pay band of Rs.15600-39100+5400 by applying the additional fitment table-15 from 12.12.2007 notionally and monetary benefit from 01.08.2010 and calculate the pension and other terminal benefits from my last drawn salary of Rs.95,500/- in the Pay Level-22, Cell (19) as accrued thereon and settle the remaining terminal benefits along with interest. The impugned order has been passed by stating that overdrawn pay and allowance will be recovered from the petitioner's DCRG separately. The impugned order has been passed without issuing a proper show cause notice to the petitioner and therefore stands quashed.

2.Considering the same, the respondents are directed to give petitioner an opportunity to give a proper reply/representation to the impugned order. The petitioner shall file a reply within a period of 30 days from the date of receipt of a copy of this order. The respondent shall thereafter pass appropriate order and subject to the final outcome of the aforesaid proceedings only recovery, if any, can be made. On pending such recovery, no further recovery shall be made by the respondents.

3. This Writ petition stands disposed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

```
//True Copy//
```

Sub Assistant Registrar

jas

To

1. The Secretary to Government,
Government of Tamilnadu,
Finance Pay Cell Department,
Secretariat Building, Chennai - 600 009.
2. The Principal Accountant General (A&E),
Office of the Principal Accountant General (A&E),
361, Anna Salai, Teynampet, Chennai - 600 018.



3. The Additional Director General of Police (Intelligence),
Office of the Director General of Police,
Chennai - 600 004.

WEB COPY

+1cc to M/s.G.Kiruthika, Advocate SR. No.54442

+1cc to the Government Pleader SR. No.55374

W.P.No.22572 of 2021

and

W.M.P.No.23799 of 2021

KG (CO)

PR (02/12/2021)