



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.[MD]No.6814 of 2021

and

W.M.P.[MD]No.5234 of 2021

WEB COPY

Hitaya Beevi

... Petitioner

Vs.

1.The Director of Local Fund Audit,
Kuralagam, Chennai.

2.The Assistant Director,
Local Fund Audit,
Tuticorin Town & District.

3.The Commissioner,
Kovilpatti Municipality,
Kovilpatti Town,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order made in Na.Ka.No.A2/1367/2014 dated 22.05.2015, on the file of the second respondent herein and to quash the same as illegal and arbitrary in so far as the petitioner is concerned and consequently direct the respondents herein to repay the amount recovered from the petitioner with interest at the rate of 12% per annum.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.P.Mahendran

Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The case of the petitioner is that the petitioner was initially appointed as Record Clerk on 23.06.1978, in Sattur Municipality. After several promotions, he was finally working as Manager Grade - II. While that being so, it is stated that the increment has been wrongly fixed from 01.01.2008 instead of 01.10.2008. Hence, the second respondent passed the impugned order dated 22.05.2015, for recovery of the excess payment.

3.Learned Counsel for the petitioner would submit that the impugned order has been passed without notice to the petitioner and the same is liable to be interfered with.



4.This Court, on a perusal of the impugned order, is of the opinion that the impugned order was passed in the year 2015 and the present writ petition is filed after a lapse of 6 years.

5.Accordingly, this Writ Petition is dismissed, on the ground of delay and laches. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

To

1.The Director of Local Fund Audit,
Kuralagam, Chennai.

2.The Assistant Director,
Local Fund Audit,
Tuticorin Town & District.

3.The Commissioner,
Kovilpatti Municipality,
Kovilpatti Town,
Tuticorin District.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-13613[F] dated 25/03/2021)

+1 CC to M/s.SPL GP (SR-13873[F] dated 26/03/2021)

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RK (24.04.2021) 2P 6C