



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Eleventh day of June Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mr.Justice T.S.SIVAGNANAM
and
The Hon'ble Mrs.Justice S.ANANTHI

WMP(MD) No.7728 of 2021 IN
WP(MD)No.10017 of 2021

A.KANDHASAMY

... PETITIONER/PETITIONER

Vs

THE ADDITIONAL DISTRICT JUDGE,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Stay the operation of the impugned order passed by the Respondent dated 05.10.2020, pending disposal of the main Writ Petition.

Prayer in WP(MD)No.10017/2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction particularly in the nature of writ, calling for the records pertaining to the impugned order passed by the Respondent dated 05.10.2020, and quash the same and direct the Respondent to refund the amount already recovered from the petitioners salary from October 2020 onwards.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.RAJKUMAR.R.V, Advocate for the petitioner and of Mr.G.THALAIMUTHARASU Advocate for the Respondent, while admitting the Writ Petition, the Court made the following order:-

(Order of the Court was made by T.S.SIVAGNANAM,J)

We have heard Mr.R.V.Raj Kumar, learned counsel appearing for the petitioner.

2.The petitioner challenges an order of recovery though not in its entirety, but with regard to substantial portion of the recovery ordered mainly on the ground that it is in violation of principles of natural justice and contrary to the provisions of the Tamil Nadu Judicial Ministerial Service Rules.



3.The learned counsel appearing for the petitioner submitted that in more or less, in identical circumstances in the case of **P.Navamani Vs. The Sessions Judge, Fast Track Mahila Court, Srivilliputhur, Virudhunagar District** in W.P(MD)No.7494 of 2021, an order of interim stay was granted by the Hon'ble Division Bench of this Court on 01.04.2021.

4.On going through the impugned order dated 05.10.2020 passed by the respondent, we are of the *prima facie* view that it is in violation of principles of natural justice and it does not disclose the contention of the audit objection in its entirety.

5.Mr.G.Thalaimutharasu, learned Panel Counsel appearing for the respondents has accepted notice for the respondents and submitted that recovery has already commenced.

6.Considering the submissions made by the learned counsel for the petitioner and that the petitioner having made out a *prima facie* case, there will be an order of interim stay of further recovery ie., with effect from July 2021 ie., from the salary payable for the month of June, 2021.

7.The respondents shall file counter-affidavit in the matter.

8.List the matter along with W.P(MD)No.7494 of 2021.

sd/-

11/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

THE ADDITIONAL DISTRICT JUDGE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

+1 CC to Mr.R.V.RAJKUMAR, Advocate (SR-3967[I] dated 14/06/2021)

ORDER IN

WMP(MD) No.7728 of 2021 IN

WP(MD)No.10017 of 2021

Date :11/06/2021