



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.05.2021

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.9352 of 2021
and
W.M.P. (MD)No.7071 of 2021

Dr.A.Balasubramani

... Petitioner

Vs.

The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai,
Madurai District.

... Respondent

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the impugned recovery order issued by the respondent in his proceedings in Ref.No.Esst-II/T/2021, dated 29.04.2021 (served to the petitioner on 03.05.2021) and quash the same as illegal and consequently, to direct the respondent to repay the amount recovered from the petitioner's salary within the period that may be stipulated by this Court.

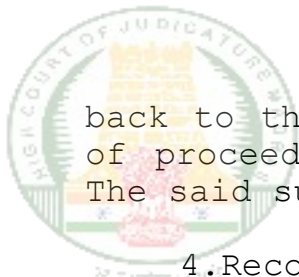
For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates
For Respondent : Mr.Ragatheeshkumar

ORDER

The petitioner is aggrieved against the impugned order, dated 29.04.2021, whereby, the petitioner's pay came to be refixed, alleging excess pay having been made and have further ordered for recovery of the alleged excess payment.

2.Among the other grounds raised by the petitioner, one of the grounds is that the impugned order, dated 29.04.2021 was passed without any prior notice or giving an opportunity to the petitioner to putforth his objection.

3.Apparently, the impugned order itself is in violation of principles of natural justice. At this juncture, Mr.Ragatheeshkumar, learned Standing Counsel for the respondent University agrees that the impugned order can be set aside and the matter may be remanded



back to the respondent with liberty to them to take further course of proceedings in adherence to the principles of natural justice. The said submission seems to be reasonable.

4. Recording the submissions made by the learned Standing Counsel for the respondent University, the impugned order, dated 29.04.2021, is set aside and the respondent is at liberty to work out their remedy in connection with the issue involved in the impugned order and in case, a decision is taken to take any further steps in this matter, the respondent University shall ensure that the principles of natural justice is strictly complied with. At this juncture, the learned Senior Counsel appearing for the petitioner would submit that one month salary was already recovered from the petitioner herein. It is needless to point out that in view of the order passed by this Court today, the respondent University requires to refund one month salary to the petitioner, which was already recovered.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

//True copy//

/ /2021

Sub Assistant Registrar

CMR/MM

Order made in

W.P. (MD)No.9352 of 2021 and

W.M.P. (MD)No.7071 of 2021

05.05.2021

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MA (CO)

SRS/02.06.2021/2P/1C