



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON:	27.01.2021
DELIVERED ON:	01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.14544 of 2020

and W.M.P. (MD) Nos.12203 & 16533 of 2020

(Through Video Conference)

K.J.Anbarasu

... Petitioner

Vs

1) The Director of School Education,
DPI Campus, College Road,
Chennai

2) The Accountant General (Accounts and Entitlements)
Accountant General Department,
Chennai 600 018

3) The District Educational Officer,
Karur, Karur District.

4) CSI Boys Higher Secondary School,
Rep. By its Correspondent,
Karur, Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Na.Ka.No. /A4/2020, dated nil.09.2020 and Na.Ka.No.991/A5/2020 dated nil.09.2020 issued by the respondents and quash the same as illegal.

For Petitioner : Mr.S.Manikandan

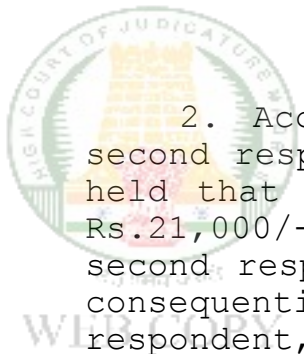
For RR 1 & 3 : Mr.N.Shanmugaselvam,
Additional Government Pleader

For R-2 : Ms.K.Mahalakshmi

For R-4 : Mr.V.Uthayakumar

O R D E R

The petitioner herein, whose service was regularised from part time vocational teacher to full time was awarded with scale of pay of Selection Grade and Special Grade of pay, while serving in the fourth respondent School. The petitioner had attained his age of superannuation on 31.03.2020.



2. According to the learned counsel for the petitioner, the second respondent in his impugned proceedings dated 13.08.2020, had held that the petitioner was eligible to get only a fixed pay of Rs.21,000/- as against his earlier pay of Rs.22,460/-. Based on the second respondent's proceedings, the third respondent had issued a consequential impugned order dated September 2020 to the fourth respondent, holding that the petitioner was eligible for a fixed pay of Rs.21,000/- only and the excess amount was directed to be recovered from 01.04.2013 onwards. Aggrieved against the same, the present writ petition has been filed.

3. Though the petitioner herein has raised several grounds challenging the impugned orders passed by the respondents 2 & 3, one of the ground raised is that, these respondents had not called for the petitioner's objections before ordering for the recovery of the alleged excess payment of pay.

4. The impugned orders, also does not reveal that the petitioner was called upon to put forth his objections, before the respondents had come to a conclusion that an excess amount of pay has been made and the same has to be recovered. Such a conduct is clearly in violation of the principles of natural justice and in this connection, the impugned orders are liable to be set aside. Nevertheless, if the respondents are granted liberty to exercise their intention of recovery of the alleged excess salary, the ends of justice could be secured.

5. In the light of the above discussion, the impugned proceedings in Na.Ka.No./A4/2020, dated nil.09.2020 and Na.Ka.No.991/A5/2020 dated nil.09.2020 are quashed. The respondents are at liberty, to issue a show cause notice to the petitioner calling for his objections prior to any recovery and upon consideration of such objections, the concerned respondents shall pass a reasoned order in accordance with law.

6. Thus, the writ petition stands allowed accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

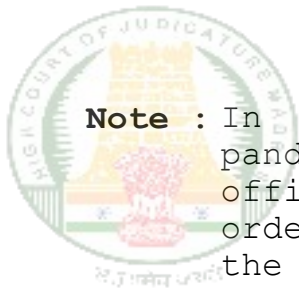
Assistant Registrar (Records)

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/ /2021

Sub Assistant Registrar(CS)

sts



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.

WEB COPY

- To:
- 1) The Director of School Education,
DPI Campus, College Road,
Chennai
 - 2) The Accountant General (Accounts and Entitlements)
Accountant General Department,
Chennai
 - 3) The District Educational Officer,
Karur, Karur District.

+1 CC to M/s.R.RAGAVENDHRAN, Advocate (SR-2550[F] dated 01/02/2021)

+1 CC to M/s.GP (SR-2892[F] dated 02/02/2021)

Order made in
W.P. (MD) No.14544 of 2020
Dated:
01.02.2021

(MJ) CO
AP(11/02/2021) 3P 6C