



WEB COPY

WP(MD)No.19669 of 2016 and

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

**W.P. (MD)No.19669 of 2016 and
W.M.P. (MD) Nos.14178 & 14179 of 2016
(Through Video Conferencing)**

K.Gnanachandra : Petitioner

Vs.

1.The Chief Accounts Officer,
High Court of Judicature at Madras
Chennai.

2.The Chief Judicial Magistrate,
Thoothukudi.

3.The Government of Tamil Nadu
Rep. by its Principal Secretary
Fort St. George,
Chennai.

4.The Principal Accountant General
Office of Principal Accountant General (C&SSA)
Tamil Nadu.
No.361 Anna Salai, Teynampet,
Chennai

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari to call for the records relating to the impugned proceedings of the 1st respondent in ROC No.1561/2014-Bud-IIA dated 04.03.2016 and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.D.Venkatesh for R1 & R2

Ms.J.Padmavathi Devi for R3
Special Government Pleader

Mr.P.Gunasekaran for R4



ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner herein has challenged the proceedings of the respondent No.1 by which the respondent No.2 was asked to initiate proceedings for recovery on the ground that excess payment has been made to the petitioner with respect to the payment of special increment.

2. Inasmuch as the respondent No.2 is yet to take action, there is no need to go into the interdepartmental communication between the respondent No.1 and 2. As the respondent No.2 is the competent authority to take action, in the event of the said authority accepting the communication sent by the respondent No.1, which is under challenge before us, a show cause notice will have to precede before taking a final call. At this stage, the writ petition as filed is premature, as the impugned order is nothing but a communication sent by the respondent No.1 to respondent No.2. We make it clear till appropriate final orders are passed, in the event of the respondent NO.2 proceeding further, no coercive steps will have to be taken towards the recovery.

3. The writ petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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

1.The Chief Accounts Officer,
High Court of Judicature at Madras
Chennai.



2.The Chief Judicial Magistrate,
Thoothukudi.

3.The Principal Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai.

4.The Principal Accountant General
Office of Principal Accountant General (C&SSA)
Tamil Nadu.
No.361 Anna Salai, Teynampet,
chennai

+1 CC to MR.G.PRABHU RAJADURAI, Advocate (SR-10402[F] dated
11/03/2021)

Order made in
W.P. (MD) No.19669 of 2016
Dated: 10.03.2021

KM (22.03.2021) 3P 6C