



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No.20638 of 2018

and

W.M.P. (MD) .Nos.18395, 18396 of 2018 and 830 of 2019

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T.Wilson

... Petitioner

Vs.

1.The District Education Officer,
Office of the District Education Officer,
Manapparai,
Tiruchirapalli District.

2.The Block Education Officer,
Marungapuri Union,
Manapparai,
Tiruchirapalli District.

3.The Assistant Treasury Officer,
Sub Treasury Office,
Manapparai,
Tiruchirapalli District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned proceedings bearing Na.Ka.No.441/A1/2018, dated 16.08.2018 issued by the third respondent and consequential impugned recovery proceedings issued by the second respondent bearing Na.Ka.No.Nil/A1/2018, dated 17.09.2018 and quash the same.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

O R D E R

The sole ground agitated by the petitioner to challenge the order dated 16.08.2018 and consequential order of recovery passed by the Block Education Officer / R2 is that the impugned order has been passed without hearing the petitioner and in violation of the principles of natural justice.



2. Briefly, the order dated 16.08.2018 issued by R3, the Assistant Treasury Officer, brings to the note of the District Education Officer / R1 that an error had occurred in fixing the selection grade pay of the petitioner and direct recovery of the same.

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3. As a consequence, R1 has issued proceedings in Na.Ka.No.Nil/A1/2018, dated 17.09.2018. This order calls upon the petitioner to remit the amount wrongfully sanctioned and paid over or in the alternate, to furnish an explanation as to why the same should not be recovered from the petitioner within a period of three days.

4. The petitioner has obtained interim protection from the Court as a result that he continues to receive the selection grade pay till date. Admittedly, no explanation has been furnished as called for under order dated 17.09.2018. Thus and in order to ensure compliance of the principles of natural justice, the petitioner is permitted to tender an explanation before R1 on the recovery proposed, within a period of three weeks from today.

5. Upon receipt of the explanation, the petitioner shall be heard and a speaking order passed either accepting or rejecting his contentions, within a period of four weeks from the date of personal hearing of the petitioner. This Writ Petition is disposed as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

akv

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 District Education Officer,
Office of the District Education Officer,
Manapparai,
Tiruchirapalli District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Block Education Officer,
Marungapuri Union,
Manapparai,
Tiruchirapalli District.

3.The Assistant Treasury Officer,
Sub Treasury Office, Manapparai,
Tiruchirapalli District.

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-40320[F] dated 23/12/2021)

+1 CC to M/s.SPL GP (SR-40461[F] dated 27/12/2021)

W.P. (MD) No.20638 of 2018

Dated:**23.12.2021**

RK(25/01/2021) 3P 6C