

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.NO.15768 OF 2008

AND

M.P.NO.2 OF 2008

Pitchamuthu

... Petitioner

.Vs.

The Superintendent of Police,
Namakkal District.

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent vide his office proceedings No.738/2007 in Na.Ka.No.P6/2108/2006 dated 28.12.2007 and quash the same as far as petitioner is concerned and consequently direct the respondent to repay the amount which was deducted from the petitioner's salary from the month of January 2008.

For Petitioner : Mr.M.Karthik
For Mr.I.C.Vasudevan

For Respondent : Mr.S.Rajesh
Government Advocate

ORDER

The writ petition was filed challenging the impugned order passed by the respondent vide his office proceedings No.738/2008 in Na.Ka.No.P6/2108/2006 dated 28.12.2007 and quash the same as far as the petitioner is concerned and consequently direct the respondent to repay the amount which was deducted from the petitioner's salary from the month of January 2008.

2. The short question that arises in this writ petition is whether the impugned proceedings No.738/2007 in Na.Ka.No.P6/

2108/2006 dated 28.12.2007 whereby an order of recovery of Rs.17,105/- (Rupees seventeen thousand hundred and five) was made towards the penal rent for not vacating the quarters is bad for violation of principles of natural justice.

3. The learned counsel for the petitioner submits that the impugned proceeding for recovery is made without even putting the petitioner on notice resulting in violation of principles of natural justice. The petitioner prays that he may be permitted to file a representation and be heard as to the legality of the impugned proceedings.

4. The learned counsel for the respondent had sought time to take instructions on 17.12.2021. Today, when the matter was called, the learned counsel for the respondent submitted that he does not have any objection to the above course suggested by the learned counsel for the petitioner.

5. Recording the same, the writ petition is disposed of permitting the petitioner to file a representation relating to the correctness and legality of the order. It is directed that the petitioner shall submit his representation/response to the respondent within a period of 4 weeks from the date of receipt of a copy of this order. On receipt of such representation, if any, of the petitioner, the respondent is directed to dispose of the same within a further period of 4 weeks thereon in accordance with law.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mka

To

The Superintendent of Police,
Namakkal District.

W.P.NO.15768 OF 2008 AND
M.P.NO.2 OF 2008

BP(CO)
PBS/24/03/2022