



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.3.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.16617 of 2020
and
W.M.P.No.20614 of 2020

1 V.Gopi ... Petitioner

Vs.

1 The Principal
Dr.Dharmambal Government Polytechnic
College for Women, Taramani,
Chennai- 600 113.

2 The Director of Technical Education (Polytechnic),
Guindy, Chennai-25.

... Respondents

Prayer : The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for records on the file of the 1st respondent pertaining to proceedings vide No.784/A1/2018-2 and 784/ A1/ 2018-3 both dated 27.08.2020 and quash the same as illegal.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.M.Bindran, A.G.P.

O R D E R

Challenging the impugned recovery order dated 27.8.2020 referring to the G.O.Ms.No.111 dated 25.5.2010, Guidelines issued by AICTEC, G.O.Ms.No.58 dated 21.3.2018 and report submitted by the Screening cum evaluation Committee, it is found that the petitioner was wrongly awarded Grade Pay of Rs.8000/- from 19.11.2009 and the consequential monetary benefits awarded to the petitioner to be recovered from the petitioner.



2. According to the learned counsel appearing for the petitioner, as per G.O.Ms.No.111 issued by Higher Education department, dated 25.5.2010, Academic Grade Pay to the petitioner was revised from Rs.7000/- to Rs.8000/- as early as on 13.10.2008 and the monetary benefit was given w.e.f. 19.11.2009 and the respondent has proceeded as if the petitioner was continuously receiving only Rs.7000/- as A.G.P. According to the petitioner, without giving an opportunity to the petitioner, the impugned order has been passed and thus, the impugned order violates the principles of natural justice and the same is liable to be set aside.

3. Though writ petition filed in the year 2020, no counter affidavit has been filed as on date.

4. On perusal of the impugned order passed by the respondent on 27.8.2020 and considering the decision of the Hon'ble Apex Court, it is clear from the fact that the impugned recovery order has been passed without providing an opportunity to the petitioner and therefore, the impugned order is liable to be quashed.

5. In view of the above, the impugned order dated 27.8.2020 is quashed and the matter is remitted back to the second respondent to consider afresh and pass appropriate orders on merit and in accordance with law, within a period of 12 weeks from the date of receipt of copy of the order, after providing an opportunity of hearing to the petitioner and the petitioner shall also appear before the second respondent and cooperate with him at the time of hearing before the second respondent. The writ petitioner is entitled to raise all the grounds raised in the writ petition before the second respondent.

6. With the above directions, the writ petition is allowed. No Costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vaan



To

- 1 The Principal
Dr.Dharmambal Government Polytechnic College for Women,
Taramani, Chennai- 600 113.
- 2 The Director of Technical Education (Polytechnic),
Guindy, Chennai-25.

+2ccs to Mr.R.Karthikeyan, Advocate, S.R.No.18262

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and
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GPL (CO)
SU (29/03/2022)