



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.11026 OF 2014

R.Chandrasekaran

... Petitioner

.Vs.

1. The Commissioner of Social Welfare,
Social Welfare Department,
NO.158, Arunachalam Street,
Chintadripet, Chennai - 600 002.
2. The Principal Secretary/Commissioner,
Integrated Child Development Scheme [ICDS],
Pammal Nallathambi Street,
Tharamani, Chennai - 600 113.
3. The District Social Welfare,
Krishnagiri.

... Respondents

PRAYER:-

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order of the 3rd respondent herein passed in his Na.Ka.No.1482/A2/2013 dated 24.03.2014 ordering recovery of Rs.1,05,000/- against the petitioner and quash the same.

For Petitioner : Mr.S.Ilamvaludhi
For Mr.Ravi Shanmugam

For Respondents : Mr.M.Bindran
Additional Government Pleader

O R D E R

The order of recovery which is impugned dated 24.03.2014 is under challenge in the present writ petition.



2. The petitioner joined as typist and promoted to the post of Assistant. He was further promoted to the post of Superintendent. With reference to certain Government welfare schemes, certain irregularities were identified. Based on the audit objection, actions were initiated to recover the financial loss caused to the State.

3. The learned counsel appearing for the petitioner mainly contended that no show cause notice was issued to the writ petitioner enabling him to defend his case with reference to the allegations or the financial loss, contrarily the impugned order has been passed merely furnishing a copy of the audit report alone which is insufficient in compliance with the principles of natural justice.

4. The learned Additional Government Pleader made a submission that the audit report was given to the writ petitioner and the petitioner has not submitted any explanations and therefore, the authorities based on the audit objection issued the impugned order of recovery and thus, the writ petition is to be rejected.

5. Any order affecting the service conditions or rights of an employee is to be passed only after affording an opportunity to an employee which is likely to be affected. In the present case, the impugned order of recovery did not reveal that a show cause notice was issued to the writ petitioner enabling him to submit his objections with reference to the allegations of financial loss to the State. The respondents are unable to establish that show cause notice was issued to the writ petitioner. This being the factum the case is to be remanded back for fresh consideration.

6. Accordingly, the order impugned passed by the third respondent in proceedings Na.Ka.No.1482/A2/2013 dated 24.03.2014 is quashed and the matter is remanded back for reconsideration. The third respondent is directed to issue a fresh show cause notice setting out all the facts and details to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order. The writ petitioner is at liberty to submit his objections/explanations along with the documents if any within a period of two weeks from the date of receipt of a show cause notice to be issued by the third respondent. Thereafter, the competent authority shall decide the issue on merits and in accordance with law as expeditiously as possible.



WEB COPY

7. With the above directions, the writ petition is allowed.
There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Commissioner of Social Welfare,
Social Welfare Department,
No.158, Arunachalam Street,
Chintadripet, Chennai - 600 002.
2. The Principal Secretary/Commissioner,
Integrated Child Development Scheme [ICDS],
Pammal Nallathambi Street,
Tharamani, Chennai - 600 113.
3. The District Social Welfare,
Krishnagiri.

+1cc to the Government Pleader, S.R.No.35883

W.P.NO.11026 OF 2014

PMK(CO)
PBS/28/06/2022