



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 14-06-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.14158 of 2014

And

MP No.2 of 2014

T.Sehar

.. Petitioner

vs.

1.The Government of Tamil Nadu,  
Represented by its Secretary to Government,  
Environment and Forests Department,  
Fort St. George,  
Chennai - 9.

2.The Tamil Nadu Pollution Control Board,  
Represented by its Member Secretary,  
No.67, Mount Salai,  
Guindy,  
Chennai - 72.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the respondents in connection with the impugned order passed by the second respondent in Proc.No.Per/P1/5143/11 dated 13.07.2013 and Proc.No.TNPCB/Per/P1/26562/2013 dated 12.05.2014 and quash the same.

|                  |                                                                 |
|------------------|-----------------------------------------------------------------|
| For Petitioner   | : Mr.K.Venkata Ramani,<br>Senior Counsel for<br>Mr.M.Muthappan. |
| For Respondent-1 | : Ms.S.Anitha,<br>Special Government Pleader.                   |
| For Respondent-2 | : Ms.Vijayakumari Natarajan,<br>Standing Counsel for TNPCB.     |



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## O R D E R

The order of fixation of pay and the consequential recovery of excess payment is sought to be quashed in the present writ petition.

2. The petitioner joined as Assistant Engineer in the Tamil Nadu Pollution Control Board. The fixation of pay was done as per the Tamil Nadu Revised Scales of Pay after 01.01.2006 in the case of the writ petitioner.

3. The learned Senior Counsel appearing on behalf of the writ petitioner mainly contended that the fixation and the consequential recovery was issued without even issuing any show cause notice to the writ petitioner and therefore, the order impugned is in violation of the principles of natural justice.

4. Any order affecting the rights of an employee is to be passed only after affording an opportunity to the employee concerned. In the present case, there is no reference regarding such an opportunity provided to the writ petitioner or consideration of defence if any submitted by the writ petitioner in respect of revised scale of pay and the recovery.

5. In view of the facts and circumstances, this Court is of the considered opinion that the re-fixation is to be done only after affording opportunity to the writ petitioner. No doubt, the Authorities are empowered to correct the mistakes in fixation of pay if any. However, an employee concerned is entitled for an opportunity.

6. Accordingly, the order impugned passed by the second respondent in proceedings No.Per/P1/5143/11 dated 13.07.2013 and proceedings No.TNPCB/Per/P1/26562/2013 dated 12.05.2014 are quashed and the matter is remanded back for fresh consideration. The respondents are directed to issue show cause notice setting out 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 and the petitioner is at liberty to submit his explanations/objections if any, within a period of two weeks from the date of receipt of a copy of the show cause notice to be issued by the respondents. Thereafter, the respondents are directed to consider the case of the writ petitioner on merits and in accordance with law and pass appropriate orders as expeditiously as possible.



7. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn  
To

1.The Secretary to Government,  
Government of Tamil Nadu,  
Environment and Forests Department,  
Fort St. George,  
Chennai - 9.

2.The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No.67, Mount Salai,  
Guindy, Chennai - 72.

+1 cc to Mr.S.Natarajan, Advocate Sr.NO. 35270

+1 cc to Mr.M.Muthappan, Advocate Sr.NO. 35723

+1 cc to Special Government Pleader(Forest) Sr.NO.35656

WP 14158 of 2014

PA(CO)  
A.SK(29/06/2022)