



WEB COPY



W.P. No.28080 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.28080 of 2022
and
W.M.P.No.27361 of 2022

S.Manjula

... Petitioner

Vs.

1. Vice Chancellor,
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai 600 032.

2. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai 600 032.

3. The Registrar (FAC),
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai 600 032.

4. The Assistant Registrar (Establishment),
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai 600 032.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of first respondent made in impugned show cause notice made in Memo No.EII(1)/51254/2018-2 dated 16.05.2022 and quash the same.

For petitioner : Mr.A.Veerassamy

For respondents : Mr.Illayaraja

for M/S.Ramalingam Associates



W.P. No.28080 of 2022

ORDER

This writ petition has been filed challenging the impugned show cause notice dated 16.05.2022 calling upon the petitioner to pay the excess payments received by him towards his salary.

2. Heard Mr.A. Veerasamy, learned counsel for the petitioner and Mr.Illayaraja, learned counsel for the respondents.

3. The petitioner has challenged the impugned show cause notice as the G.O. based on which, the demand has been made can be applied only prospectively and cannot be applied retrospectively. Being a show cause notice, the petitioner will have to necessarily submit a reply objecting to the demand.

4. The learned counsel for the petitioner submits that the petitioner has already submitted a reply but now he wants to send another reply relying upon certain judgments of this Court for the proposition that any demand can be made with regard to the excess payments made only prospectively from the date of the G.O. and not retrospectively. The petitioner contends that he was appointed prior to the issuance of the G.O., which enables the respondents to make demand for the excess payments made to their employees.

5. Since the writ petition has been filed challenging the show cause



W.P. No.28080 of 2022

notice, this writ petition is disposed of by directing the petitioner to submit a reply to the impugned show cause notice, within a period of one week from the date of receipt of the said reply. On receipt of the same, the 1st respondent shall pass final orders on merits and in accordance with law, within a period of eight weeks, thereafter.

6. Till final orders are passed, no coercive steps shall be taken by the respondents against the petitioner in respect of the impugned show cause notice.

7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.10.2022

Note : Issue order copy on or before 31.10.2022

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

vsi2

To :

1. Vice Chancellor,
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai 600 032.

2. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai 600 032.



WEB COPY



W.P. No.28080 of 2022

ABDUL QUDDHOSE, J.

vsi2

3. The Registrar (FAC),
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai 600 032.
4. The Assistant Registrar (Establishment),
The Tamil Nadu Dr.M.G.R.Medical University,
Chennai 600 032.

W.P. No.28080 of 2022
and
W.M.P.No.27361 of 2022

26.10.2022