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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4985 of 2017

and

W.M.P. Nos. 5229, 5230 and 24873 of 2017

Thirupathy

... Petitioner

-vs-

1. The Assistant Director,
Sericulture Department,
Pennagaram,
Dharmapuri District.

2. The Director of Sericulture,
Sericulture Department,
Anaimeedu,
Salem - 1.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the First Respondent in Sa.Mu.3018/A/2013, dated 19.08.2013 and quash the same.

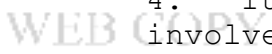
For Petitioner : Mr. Mukund R.Pandiyar

For Respondents: Mrs. C. Sangamithirai
Special Government Pleader

O R D E R

Heard Mr. Mukund R.Pandiyar, Learned Counsel for the Petitioner and Mrs. C.Sangamithirai, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Proceedings No. 3018/A/2013 dated 19.08.2013 passed by the First Respondent in which the Petitioner has been informed that the sum of Rs. 1,23,484/- excessively paid to him would be recovered from his salary in installments.



१२.५ सामान्य प्रश्न

5. There is nothing to show that either in the impugned order or in the Counter-Affidavit filed by the First Respondent that before the excess payment claimed to have been made was effected, any show cause notice had been issued to the Petitioner calling for an explanation from him with supporting materials relied in that regard. Such incurable flaw in decision making by the Respondents is in violation of the principles of natural justice and would vitiate the impugned order. In that view of the matter, the impugned order passed by the First Respondent is set aside leaving it open to the concerned authorities to appropriately deal with the matter following due process. It shall be incumbent upon the concerned authorities to issue show cause notice to the Petitioner along with working-sheet of the calculation for the excess payment claimed to have been made to him and after affording full opportunity of personal hearing to him and considering each of the objections that may be raised by him, a reasoned order shall be passed on merits and in accordance with law following the procedure laid down in the instructions in G.O. Ms. No. 286, Finance (Pension) Department dated 28.08.2018 issued by the Government of Tamil Nadu, uninhibited and uninfluenced by the earlier order passed in the matter, and the decision taken shall be communicated to the Petitioner under written acknowledgement.

<https://hcservices.ecourts.gov.in/hcservices/>



In fine, the Writ Petition is ordered on the aforesaid terms.
Consequently, the connected Miscellaneous Petitions are closed.
No costs.

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Assistant Director,
Sericulture Department,
Pennagaram,
Dharmapuri District.
2. The Director of Sericulture,
Sericulture Department,
Anaaimedu,
Salem-1.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr.Mukund R.Pandiyan, Advocate, S.R.No.16794

W.P. No. 4985 of 2017

SPD(CO)
SU(11/05/2022)