



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

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

W.P. No. 2994 of 2017
and
W.M.P. No. 2874 of 2017

P.Rathinam

... Petitioner

-vs-

1. The Deputy Secretary to the Government of India
Ministry of Personnel, Public Grievances and Pensions
North Block
New Delhi.
2. The Director
Department of Personnel & Training
Establishment (D), MHA
New Delhi.
3. The Chief Controller of Accounts
Internal Audit Wing
Ministry of (Home Affairs)
New Delhi - 11.
4. The Director General
CISF Hqrs
C.G.O. Complex
Lodhi Road,
New Delhi - 110 003.
5. The IG/SS CISF South Sector Head Quarters
Near War Memorial
Chennai - 600 009.
6. The DIG CISF (SZ) South Zone Head Quarters
Rajaji Bhavan
Besant Nagar
Chennai - 600 090.
7. The Senior Commandant
CISF Unit ChPT
Chennai - 600 001.

... Respondents



Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Seventh Respondent dated 18.11.2015 in his Office Memorandum No. F-20016/(28)/CISF/CHPT/ACCTS -I/OD/2015-1828 and quash the same and to direct the Respondents to refund the sum of Rs. 54,960/- recovered from the salary of the Petitioner.

For Petitioner : Mr.M.Md.Ibrahim Ali

For Respondents : Mr. P.G.Sathosh Kumar,
Central Government Standing Counsel

O R D E R

Heard Mr. M.Md.Ibrahim Ali, Learned Counsel for the Petitioner and Mr. P.G.Sathosh Kumar, Learned Central Government Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Office Memorandum in F-20016/(28)/CISF/CHPT/ACCTS-I/OD/2015-1828 dated 18.11.2015 issued by the Seventh Respondent seeking to recover the sum of Rs. 54,960/- as excess payment by contending that no prior show cause notice was issued before the recovery order was passed.

3. When it was pointed out that show cause notice dated 14.01.2015 had been issued to the Petitioner prior to the impugned order passed on 18.11.2015 and that the Writ Petition has been filed only after the recovery had been effected, Learned Counsel for the Petitioner seeks permission of the Court to withdraw this Writ Petition with liberty to challenge the correctness of the order of recovery and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar



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+1cc to Mr.A.S.Mujbur Rahman, Advocate, S.R.No.32751

W.P. No. 2994 of 2017

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NSK/10/06/2022