



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022
CORAM

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

W.P. No. 26522 of 2018
and
W.M.P. No. 30866 of 2018

J.Anbumani

...Petitioner

-vs-

1. The District Collector (P.D.Section)
Coimbatore District, Coimbatore.

2. The Commissioner,
Annur Panchayat Union,
Coimbatore District.

...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, issued for a Writ of Certiorari, to call for the records pertaining to the order bearing e.f.vz;. 170/2018/ml dated 08.02.2018 passed by the Commissioner, Panchayat Union, Pollachi, the second respondent herein and quash the same.

For Petitioners: Mrs. T.Hemalatha

For Respondents: Mrs.C.Sangamithirai
Special Government Pleader (for R1)

Mr. Ravikumar (for R2)

O R D E R

Heard Mrs. T.Hemalatha, Learned Counsel for the Petitioner, Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First Respondent and Mr. Ravikumar, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is working as Record Clerk in Annur Panchayat Union, challenges the Proceedings in Na. Ka. No. 170/2018A3 dated 08.02.2018 passed by the Second Respondent in which he has been informed that the sum of Rs. 86,340/-



3. It is trite law that any administrative action which involves civil consequences must be made consistently with the rules of natural justice, meaning thereby that the person concerned must be informed of the case with supporting evidence against him and he must be given a fair opportunity to meet the case before an adverse decision is taken. The Government of Tamil Nadu in G.O. Ms. No. 286, Finance (Pension) Department dated 28.08.2018 after referring to the principles laid down by the Hon'ble Supreme Court of India in State of Punjab -vs- Rafiq Masih (Whitewasher) [(2015) 4 SCC 334], has issued detailed instructions providing the manner in which any excess amount paid to Government Servants/Pensioners/Family Pensioners would have to be made.

6. In the event of the concerned authorities failing to initiate fresh such proceedings within 31.07.2022, any amount so far recovered from the Petitioner pursuant to the impugned order, which has been set aside, shall be refunded to him under written acknowledgment and report of compliance in that regard shall be filed before the Registrar (Judicial) of this Court.



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

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Collector (P.D.Section)
Coimbatore District, Coimbatore.
2. The Commissioner,
Annur Panchayat Union,
Coimbatore District.

Copy to

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

+1 CC to The Government Pleader sr 20370.

W.P. No. 26522 of 2018

MG(CO)
SP(11/05/2022)