



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2022

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WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.1289 of 2022

and

WMP (MD)Nos.1134 & 1135 of 2022

R.Ramkumar

... Petitioner

-Vs-

1.The Director,
Fire & Rescue Services Department,
Chennai - 600 008.

2.The District Officer,
Fire & Rescue Services Department,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the order passed by the 2nd respondent in Na.Ka.No.7286/Aa/2020-2 dated 08.04.2021 and quash the same as illegal.

For Petitioner

: Mr.M.Purushothaman
For Mr.M.Kannan

For Respondents

: Mr.D.Sadiq Raja
Addl.Govt.Pleader

O R D E R

The order of recovery dated 08.04.2021 to recover the excess payment made on account of re-fixation is under challenge in the present writ petition.

2. The petitioner is working as upgraded Leading Fireman and based on the Government Order, revised pay scale was granted. The respondents issued the impugned order, on noticing excess payment paid to the petitioner. However, no show-cause notice or opportunity was provided to the writ petitioner to defend his case. In some other cases of similar nature, the respondents have issued show-cause notice and passed orders by stating that those employees are given an undertaking, but in the present case, the respondents



could not able to establish whether an undertaking was given by the petitioner and further no show cause notice was issued.

3. Any order affecting the rights of the employees must be issued only after providing opportunity. This being the principles to be followed, the order impugned passed by the 2nd respondent in proceedings Na.Ka.No.7286/Aa/2020-2 dated 08.04.2021 is quashed and the matter is remanded back to the 2nd respondent, who in turn, has to issue show-cause notice to the writ petitioner, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show-cause notice, the petitioner is permitted to submit explanations / objections within a period of two weeks from the date of receipt of the show-cause notice and thereafter, the 2nd respondent shall consider the objections and pass orders on merit and in accordance with law, as expeditiously as possible.

4. Accordingly, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Director,
Fire & Rescue Services Department,
Chennai - 600 008.

2.The District Officer,
Fire & Rescue Services Department,
Madurai District.

+1 CC to M/s.M.KANNAN, Advocate (SR-11130[F] dated 10/03/2022)

+1 CC to M/s.SPL GP (SR-11149[F] dated 10/03/2022)

W.P. (MD)No.1289 of 2022

09.03.2022

2/2

MPK

MS/23.03.2022/2P.5C