



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.02.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD) No.3528 of 2022

and

W.M.P.(MD) Nos.3082 & 3083 of 2022

WEB COPY

Kathirvel

... Petitioner

-vs-

1. The Accountant General (A &E),  
361, Anna Salai, Teynampet,  
Chennai-600 018.

2. The Director of Agriculture,  
Chepauk, Chennai.

3. The Additional Treasury Officer,  
Madurai.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 3<sup>rd</sup> respondent relating to proceedings in Na.Ka.No.270/2022/E1 dated 11.01.2022 and quash the same and to consequently forbear the respondents from recovering any amount from the petitioner's pension in future.

For Petitioner : Mr.P.Samuel Gunasingh

For R1 : Mr.P.Gunasekar

For RR2 & 3 : Mr.D.Sadiq Raja  
Additional Government Pleader

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O R D E R

The order of recovery dated 11.01.2022, which is impugned admittedly was issued without any show cause notice and opportunity to the writ petitioner.

2.This Court is of the considered opinion that any order affecting the rights of an employee is to be passed, only after providing an opportunity to such employee. When the 3<sup>rd</sup> respondent is unable to establish that a show cause notice was issued to the writ petitioner before passing the impugned order, the matter deserves to be remanded back.



3. Accordingly, the order impugned dated 11.01.2022 is quashed and the matter is remanded back to the 3<sup>rd</sup> respondent. The 3<sup>rd</sup> respondent is directed to issue show cause notice setting out all the facts and details 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 directed to submit his explanation along with the documents, if any, within a period of two weeks from the date of receipt of a copy of the show cause notice. Thereafter, the 3<sup>rd</sup> respondent is directed to consider the explanations/objections, if any, filed by the petitioner and decide the issues on merits and in accordance with law and pass appropriate orders within a period of six weeks thereafter.

4. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1. The Accountant General (A &E),  
361, Anna Salai, Teynampet,  
Chennai-600 018.
2. The Director of Agriculture,  
Chepauk, Chennai.
3. The Additional Treasury Officer,  
Madurai.

+1 CC to M/s.SPL GP ( SR-8695[F] dated 25/02/2022 )

W.P. (MD) No.3528 of 2022

24.02.2022

srk(CO)

TR(10.03.2022) 2P 5C