



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.3525 of 2022

and

W.M.P.(MD) No.3080 of 2022

P.Mookaiyan

... Petitioner

-vs-

1. The Joint Director of Collegiate Education,
Madurai Region, Madurai-02.

2. Mannar Tirumalai Naicker College (Autonomous),
Rep. by its Secretary and Correspondent,
Pasumalai, Madurai-625 004.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in MaTheNaKa/E1/81/2021-22 dated 29.10.2021 and consequential order passed by the 1st respondent in his proceedings in D.Dis:11595/D4/2021 dated 15.12.2021 quash the same as illegal.

For Petitioner : Mr.Mohan Gandhi S.M

For Respondents : Mr.N.Ga.Nataraj
Government Advocate

O R D E R

The order dated 29.10.2021 relating to fixation of pay and recovery passed by the 2nd respondent and the consequential order dated 15.12.2021 passed by the 1st respondent addressed to the Accountant General, Chennai are under challenge in the present writ petition.

2.The audit objection was raised stating that the pay, as applicable to the petitioner, was erroneously fixed and an excess payment of Rs.3,23,769/- was paid to the petitioner. Thus, the management of the college directed the petitioner to deposit the same in Government accounts.



3.The learned counsel for the petitioner states that no show cause notice or opportunity was provided to the writ petitioner to defend his case.

4.This Court is of the considered opinion that any wrong fixation can be corrected by the authorities at any point of time. The employees are eligible to get the correct fixation of pay as per the pay rules in force. In the event of any audit objection regarding the non-fixation, the competent authorities are bound to correct the mistake and pay the correct salary or otherwise as applicable to the employees. However, in the present case, the petitioner has stated that no show cause notice was given to defend his case.

5.This Court is of the considered opinion that any order or decision affecting the rights of an employee is passed, then an opportunity must be provided to defend his case. Under these circumstances, the case deserves to be remanded back.

6.Accordingly, the order impugned dated 29.10.2021 passed by the 2nd respondent in proceeding MaTheNaKa/E1/81/2021-22 and the consequential order passed by the 1st respondent in proceeding dated 15.12.2021 are quashed and the matter is remanded back to the respondents. The respondents are 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 respondents are 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.

7.With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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To

1. The Joint Director of Collegiate Education,
Madurai Region, Madurai-02.

2. Mannar Tirumalai Naicker College (Autonomous),
Rep. by its Secretary and Correspondent,
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+1 CC to M/s.SPL GP (SR-8706[F] dated 25/02/2022)

W.P.(MD) No.3525 of 2022
24.02.2022

RD(11.03.2022) 3P 4C