



W.P.(MD)No.4871 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4871 of 2020

and

W.M.P(MD)Nos.4247 & 4248 of 2020

1.M.Cecil
2.A.Stephen
3.Vijilasingh
4.T.Rajarenthinam
5.R.Amardhas
6.S.Nagarethinam
7.I.Yesudhas

... Petitioners

Vs.

The Superintendent of Police,
Kanniyakumari District @ Nagercoil.

... Respondent

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of the respondent vide his proceedings C.No.K1/38360/2018 dated 23.08.2018 and quash the same as illegal.

For Petitioner : Mr.T.Vadivelan

For Respondent : Mr.S.P.Maharajan,
Special Government Pleader



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ORDER

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This writ petition has been filed challenging the show-cause notice issued by the respondent in C.No.K1/38360/2018, dated 23.08.2018.

2. The case of the petitioners is that they were appointed as Junior Assistants through employment exchange on 10.07.2003 in terms of G.O.Ms.No.85, P & AR Department, dated 04.07.2003 and joined as temporary Junior Assistants in various Departments. They were paid consolidated pay of Rs..4,000/- and thereafter, they participated in the special test conducted by the TNPSC and cleared the exam and their appointment was made permanent and appointment orders were issued on 22.12.2009 and they joined the present job on 04.02.2010.

3. The further case of the petitioners is that they are eligible to get the benefit of the increment accrued due to the increase in salary as per the Pay Commissioner 2006. Hence, they made a representation and considering their request, the Government also issued G.O.Ms.No.340 Finance (Pay Cell) Department, dated 26.08.2010 and



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the petitioners were given increment as received by those joined in the month of May 2009 and they are getting the pay in the revised scale after multiplying the factor of 1.86 with the pre-revised basic pay of Rs.3200/-. However, in the internal audit conducted for the year 2015-2016 to 2017-2018, it was recommended for recovery of the benefits availed by those who joined after the month of June 2009. Pursuant to which, the impugned show-cause notice, dated 23.08.2018, was issued calling for reply/remarks from the petitioners. For which, the petitioners have also given reply on 22.10.2018. But, till date, no order was passed. Therefore, the petitioners have filed the present writ petition with the aforesaid prayer.

4. The learned counsel appearing for the petitioners would submit that pursuant to the impugned show-cause notice, the petitioners were given proper explanation on 22.10.2018 and it would suffice, if the respondent is directed to consider the explanation given by the petitioners and pass appropriate orders.



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5. The learned Special Government Pleader appearing for the respondent, has no serious objection for such an order being passed by this Court.

6. Considering the limited request made by the learned counsel for the petitioners, this Court, without going into the merits of the matter, directs the respondent to consider the explanation offered by the petitioners, dated 22.10.2018, pursuant to the show-cause notice issued to the petitioners, dated 23.08.2018 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.12.2022

pm
Index: Yes/No

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Kanniyakumari District @ Nagercoil.

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M.DHANDAPANI,J.

pm

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