



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10127 of 2021

and

W.M.P. (MD) Nos.7848 and 7850 of 2021 & 1872 of 2022

WEB COPY

1.V.Palavesamuthu

2.S.Nadarajan

... Petitioners

vs.

1. The Additional Chief Secretary to Government
Municipal Administrative & Water Supply Department
Chennai-9

2. The Principal Secretary to Government
Finance (Pay Cell) Department
Chennai-9

3. The Director of Municipal Administration
Chepauk, Chennai-5

4. The Commissioner-cum-Personal Officer
Thoothukudi City Municipal Corporation
113, Palai Road
Thoothukudi-2

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the entire records related to the impugned order passed by the 4th respondent in C1/00585/2021 dated 31.03.2021 and quash the same and consequently directing the 4th respondent not to effect the recovery and reduce the salary of the petitioners.

For Petitioner : Mr.Pragalathan.N.

For Respondents : Mr.A.K.Manikkam

Special Government Pleader
for R1 to R3

No appearance for R4

**O R D E R**

The show cause notice regarding proposed re-fixation and recovery of excess pay is under challenge in the present writ petition.

2. The petitioner was appointed in the fourth respondent - Municipal Corporation as unskilled employee. The pay was fixed in accordance with the Government Orders in force. The Authorities Competent, based on the audit objections, found that excess amount has been paid to the petitioners due to erroneous fixation of pay. In other words, the Audit parties raised objections regarding fixation of pay. Thus, the impugned show cause notice was issued to the petitioners asking them to submit their objections within a period of five days. Instead of submitting his objections, the petitioners have chosen to file the present writ petition.

3. This Court is of the considered opinion that no writ against a show cause notice needs to be entertained in a routine manner by the High Court. Once a show cause notice has been issued regarding wrong fixation of pay, then the petitioners have to submit his objections, if any, along with documents. Contrarily, writ petition cannot be entertained for adjudication of the issue, as the same is to be done by the Authority Competent at the first instance with reference to the documents and evidences made available.

4. In such view of the matter, the petitioners are at liberty to file their objections, if any, along with documents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of any such objections from the petitioners, the respondents are directed to consider the same on merits and in accordance with law and pass appropriate orders as expeditiously as possible.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS I)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

RR



To:

1. The Additional Chief Secretary to Government,
Municipal Administrative & Water Supply Department,
Chennai-9.

2. The Principal Secretary to Government,
Finance (Pay Cell) Department,
Chennai-9.

3. The Director of Municipal Administration,
Chepauk, Chennai-5.

+1 CC to M/s.N. PRAGALATHAN, Advocate
(SR-20164[F] dated 21/04/2022)

+1 CC to M/s.S.SAJI BINO, Advocate
(SR-20178[F] dated 21/04/2022)

+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-20445[F] dated 22/04/2022)

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SP/06/05/2022/3P/7C