



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.9792, 9799, 9819, 9822, 9876 & 9884 of 2020
and

W.M.P. (MD) Nos.8790, 8793, 8806, 8808, 8847 & 8855 of 2022

P.Chandrasekar	...	Petitioner in W.P.(MD) No.9792 of 2020
S.Sebastiyaye	...	Petitioner in W.P.(MD) No.9799 of 2020
A.Murugan	...	Petitioner in W.P.(MD) No.9819 of 2020
A.Umashankar	...	Petitioner in W.P.(MD) No.9822 of 2020
P.Suresh	...	Petitioner in W.P.(MD) No.9876 of 2020
R.Kalai Selvi	...	Petitioner in W.P.(MD) No.9884 of 2020
-vs-		

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

... Respondents in all W.Ps.

Prayer in all W.Ps.:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned order issued by the 3rd respondent Chief Educational Officer in Na.Ka.No.1726/E1/2019 dated 18.05.2020, quash the same.



In all W.Ps.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

COMMON ORDER

The order impugned, pertaining to recovery of excess of pay issued in proceedings dated 18.05.2020 by the 3rd respondent, is under challenge in the present writ petitions.

2.The learned counsel for the petitioners made a submission that no show cause notice was issued to the petitioners before issuing the order of recovery.

3.The learned Additional Government Pleader appearing for the respondents is unable to establish that a show cause notice was issued and an opportunity was provided to the writ petitioners before passing the impugned order of recovery.

4.This Court is of the considered opinion that any order, affecting the right of an employee, must be issued only after providing opportunity to the employee concerned. Thus, the order impugned in the present case is in violation of the principles of natural justice.

5.Regarding fixation, if any error occurs, the competent authority is empowered to correct such errors and fix the pay in accordance with the rules or the Government Orders in force. However, if the matter of recovery comes, then an opportunity is to be provided to the aggrieved parties.

6.In view of the facts and circumstances, the order impugned issued by the 3rd respondent in Na.Ka.No.1726/E1/2019, dated 18.05.2020 is quashed and the matter is remanded back to the 3rd respondent for issuing show cause notice to the petitioners setting out all facts and details 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 petitioners are at liberty to submit their explanations/objections, if any, within a period of two weeks from the date of receipt of a copy of the show cause notice. Thereafter, the 3rd respondent is directed to consider the explanations/objections, if any, submitted by the petitioners and take a decision and pass appropriate orders on merits and in accordance with law as expeditiously as possible.



7. Accordingly, these Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

abr

To

1. The Secretary to Government,
The State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2. The Director of Elementary Education,
College Road, Chennai - 600 006.

3. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

+1 CC to M/s.SPL GP (SR-9714[F], 9711, 9712, 9713, 9710, 9688 dated
03/03/2022)

W.P. (MD) Nos. 9792, 9799, 9819,
9822, 9876 & 9884 of 2020
02.03.2022

KG (CO)

KB(15.03.2022) 3P 5C