



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) Nos.10395 & 10400 of 2021 and
W.M.P(MD).Nos.8077, 8082 to 8084 of 2021

K.Meiyathal

... Petitioner
in W.P(MD).No.10395 of 2021

M.Viji

... Petitioner
in W.P(MD).No.10400 of 2021

Vs.

1.The Principal Secretary to the Government,
School Education Department,
Fort St. George, Chennai-9

2.The Director of Elementary Education,
DPI Compound,
College Road,
Chennai-6

3.The Chief Educational Officer
O/o.The Chief Educational Officer,
Pudukkottai District

4.The District Educational Officer,
O/o.The District Educational Officer,
Aranthangi, Pudukkottai District.

5.The Block Educational Officer
Thiruvarankulam Block,
Pudukkottai District.

... Respondents
in both petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.1723/A3/2020 dated 20.01.2021 on the file of the respondent No.5 and quash the same as illegal and consequently for a direction forbearing the respondents from recovering the incentive increment granted to the petitioner.



In both petitions

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

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C O M M O N O R D E R

The order of recovery impugned was issued in proceedings dated 20.01.2021 based on the audit objections raised.

2. The respondents are unable to establish that a show cause notice was issued to the petitioners for the purpose of defending their case. Thus, the order impugned is in violation of the principles of natural justice. Any order affecting the rights of the employee should be passed only after providing an opportunity to defend their case.

3. In view of the facts and circumstances, the order impugned passed by the fifth respondent in proceedings No.Na.Ka.No.1723/A3/2020 dated 20.01.2021 is quashed and the matter is remanded back to the fifth respondent for issuing a show cause notice setting out all the 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 within a period of two weeks from the date of receipt of a copy of the show cause notice. Thereafter, the respondents shall consider the explanation and the relevant documents, and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

4. Accordingly, the Writ Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Principal Secretary to the Government,
School Education Department,
Fort St. George, Chennai-9

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of Elementary Education,
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College Road,
Chennai-6

3.The Chief Educational Officer
O/o.The Chief Educational Officer,
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5.The Block Educational Officer
Thiruvarankulam Block,
Pudukkottai District.

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9647 & 9648[F] dated
03/03/2022)

+1 CC to M/s.SPL GP (SR-9744[F] dated 03/03/2022)

W.P.(MD) No.10395 & 10400 of 2021

02.03.2022

RJ(CO)

GC(11.03.2022) 3P 9C