



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5394 of 2019

C.Chinnathambi

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep., by its Principal Secretary to Government,
Public Works Department,
St. George Fort, Chennai-600 009.

2.The Engineer in Chief (General),
Public Works Department,
Chepauk, Chennai-600 005.

3.The Executive Engineer,
Public Works Department,
Water Resource Department,
Kavey Basin Division, Thanjavur.

4.The Assistant Executive Engineer,
Public Works Department,
Water Resource Organization,
Basin Sub-Division,
Pattukkottai Post, Thanjavur District.

... Respondents

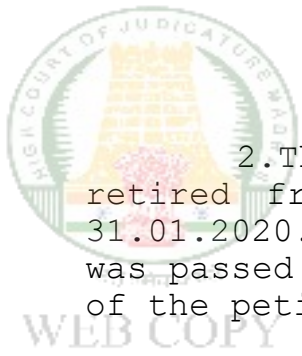
Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records in pursuant to the impugned order passed by the 3rd respondent in proceedings Se.Mu.Order No.Nil/1002/2018 (3439)/dated 07.02.2019 and quash the same.

For Petitioner : Mr.M.Saravanakumar

For Respondents: Mr.D.S.Nedunchezian,
Government Advocate

O R D E R

The order impugned dated 07.02.2019 passed by the 3rd respondent re-fixing the pay of the writ petitioner and imposing recovery is under challenge in the present writ petition.



2.The petitioner was holding the post of Junior Engineer and retired from service on attaining the age of superannuation on 31.01.2020. While the petitioner was in service, the order impugned was passed in proceeding dated 07.02.2019 re-fixing the scale of pay of the petitioner and consequential recovery was issued.

3.The learned counsel for the petitioner made a submission that no opportunity was provided to the writ petitioner even to defend his case.

4.The learned Government Advocate appearing on behalf of the respondents is unable to establish that an opportunity was provided to the petitioner.

5.Thus, this Court is of the opinion that the order impugned is in violation of the principles of natural justice and it is a fit case to remand the matter back for fresh consideration.

6.The learned counsel for the petitioner made a submission that the 3rd respondent is the incompetent authority. However, the respondents are directed to verify the rules and accordingly, issue show cause notice.

7.Accordingly, the impugned order passed by the 3rd respondent in proceedings dated 07.02.2019 is quashed and the competent authority, who has got powers to issue the show cause is directed to issue show cause to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order and the writ petitioner is directed to submit his explanations/objections, if any, along with the documents within a period of two weeks from the date of receipt of a copy of the show cause and thereafter, such competent authority shall consider the explanations and decide the issues on merits and pass final orders as expeditiously as possible.

8.In the result, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr



To

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
Public Works Department,
St. George Fort, Chennai-600 009.
- 2.The Engineer in Chief (General),
Public Works Department,
Chepauk, Chennai-600 005.
- 3.The Executive Engineer,
Public Works Department,
Water Resource Department,
Kavey Basin Division, Thanjavur.
- 4.The Assistant Executive Engineer,
Public Works Department,
Water Resource Organization,
Basin Sub-Division,
Pattukkottai Post, Thanjavur District.

+1 CC to M/s.SPL GP (SR-7149[F] dated 18/02/2022)

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-6645[F] dated 17/02/2022)

W.P.(MD) No.5394 of 2019

16.02.2022

nsn(CO)

TR(25.02.2022) 3P 7C