



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.561 & 562 of 2019

and

W.M.P. (MD) Nos.454, 455, 10063 & 10064 of 2019

WEB COPY

S.Umaiyavel ... Petitioner in W.P.  
(MD) No.561 of 2019

A.Sivakumar ... Petitioner in W.P.  
(MD) No.562 of 2019

vs.

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

2.The Director of Local Fund Audit  
Integrated Complex for Finance Department  
Animal Husbandry Hospital Complex  
Theynampetai, Chennai

3.The Commissioner  
Kilakkarai Municipality  
Kilakkarai, Ramnad District ... Respondents in both W.Ps.

**PRAYER (in both W.Ps.):** Writ Petitions filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records in pursuant to impugned order issued by the 3<sup>rd</sup> respondent's proceeding in No.Se.Mu.Na.Ka.No.818/2017/C1-1, dated 15.06.2017 and to quash the same and consequently direct the respondents to restore the fixation of pay in the light of the G.O.Ms.No.338 Finance (Pay Cell) dated 26.08.2010 and consequential 1<sup>st</sup> respondent's Government Letter in No.45529/F3/2010 dated 01.10.2012 with all consequential service and minatory benefits.

For Petitioner : Mr.D.Sasikumar  
(in both W.Ps.)

For Respondents : Mr.N.Satheesh Kumar  
(in both W.Ps.) Additional Government Pleader for R1 & R2  
Mr.A.Kannan for R3

**C O M M O N O R D E R**

Since the issue involved in both the writ petitions are one and the same, they were clubbed and heard together and are being disposed of by this common order.



2. The orders impugned in the present writ petitions, dated 15.06.2017, passed by the third respondent, pertain to refixation of pay and consequential recovery.

3. The short question arises in the present writ petitions is whether before passing the impugned orders an opportunity was provided to the petitioners or not.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 as well as the learned counsel appearing for the third respondent are unable to establish that show cause notice was issued to the petitioners to defend their case. Thus, the orders impugned in the present writ petitions are in violation of the principles of natural justice.

5. In such view of the matter, the writ petitions are allowed and the orders dated 15.06.2017, passed by the third respondent, are quashed. The matter is remanded back to the respondents for fresh consideration. The respondents are directed to issue a show cause notice to the petitioners setting out the facts and details, within a period of four weeks from the date of receipt of a copy of this order and on receipt of the show cause notice, the petitioners are directed to submit explanation / objection along with documents, if any, within a period of two weeks thereafter. Thereupon, the competent Authority shall consider the explanation and take a decision on merits and in accordance with law and pass final orders as expeditiously as possible. No orders. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

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

2.The Director of Local Fund Audit  
Integrated Complex for Finance Department  
Animal Husbandry Hospital Complex  
Theynampetai, Chennai



**W.P.(MD) Nos.561 & 562 of 2019**

3.The Commissioner  
Kilakkarai Municipality  
Kilakkarai, Ramnad District

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+1 CC to M/s.SPL GP ( SR-6820[F] dated 17/02/2022 )

+1 CC to M/s.A.KANNAN, Advocate ( SR-6715[F] dated 17/02/2022 )

**W.P. (MD) Nos.561 & 562 of 2019**

**and**

**W.M.P. (MD) Nos.454, 455, 10063 & 10064**

**of 2019**

**16.02.2022**

NA (CO)

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