



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 8216 of 2019

and

W.M.P. (MD) Nos. 6452, 6453 and 22217 of 2019

V.M.Venkateswaran

... Petitioner

Vs.

1. The Regional Accounts Officer (Audit),
Department of School Education,
Madurai - 625 002.

2. Sri Bragadambal Government Higher Secondary School,
Represented by its Head Master,
Pudukottai,
Pudukottai District - 622 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.31/A/2019 dated 19.03.2019 on the file of the second respondent and quash the same as illegal and consequently forbear the respondents from recovering the Selection grade Grade pay granted to the Petitioner.

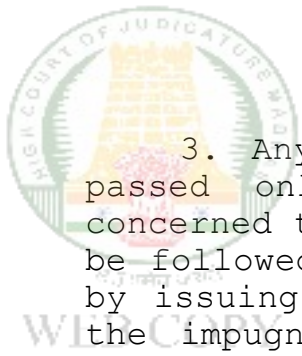
For Petitioner : Mr.T. Lajapathi Roy

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

O R D E R

The order impugned dated 19.03.2019 pertaining to the recovery of excess pay was passed without issuing any notice and opportunity to the writ petitioner.

2. The respondents are unable to establish that the show cause notice was issued to the petitioner to defend his case and therefore, the order impugned is in violation of the principles of natural justice.



3. Any order affecting the right of the employees should be passed only after providing an opportunity to the employees concerned to defend their cases. This being the basic principles to be followed, the respondents are expected to provide an opportunity by issuing a show cause notice setting out all the details. Thus, the impugned order passed by the second respondent is infirmed. Accordingly, the order impugned passed by the second respondent vide proceedings in Na.Ka.No.31/A/2019 dated 19.03.2019 is quashed and the second respondent is directed to issue a show cause notice to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order. The writ petitioner is at liberty to submit his explanations / objections within a period of two weeks from the date of receipt of the copy of the show cause notice. Therefore, the second respondent shall consider the explanation and the materials available on record and decide the issues on merits and in accordance with law as expeditiously as possible.

4. Accordingly, this Writ Petition is allowed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD I)

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/ /2022

Sub Assistant Registrar(CS)

vji

To

1. The Regional Accounts Officer (Audit),
Department of School Education,
Madurai - 625 002.

2. The Headmaster,
Sri Bragadambal Government Higher Secondary School,
Pudukottai,
Pudukottai District - 622 001.

+1 CC to M/s.T.LAJAPATHI ROY,Advocate(SR-9650[F] dated 03/03/2022)

+1 CC to M/s.SPL GP (SR-9762[F] dated 03/03/2022)

**W.P. (MD) No. 8216 of 2019
and**

**W.M.P. (MD) Nos. 6452, 6453 and 22217 of 2019
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MGJ(18.03.2022) 2P 5C

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