



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.18103 of 2021

and

W.M.P. (MD) Nos. 14931 and 14932 of 2021

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M. Naushath

... Petitioner

Vs.

Treasury Officer,
District Treasury,
Collectorate Campus,
Thanjavur-613 001.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order issued by the respondent in his proceedings No. in Se.Mu.Na.Ka.No.8972/S2/2021 dated 15.09.2021 and quash the same illegal within the period that may be stipulated by this Honourable Court.

For Petitioners	: Mr.C.Venkatesh Kumar, for M/S.Ajmal Associates
For Respondent	: Mr.N.Satheesh Kumar, Additional Government Pleader

O R D E R

The order of recovery impugned issued in proceedings dated 15.09.2021 is under challenge in the present Writ Petition.

2.The respondent is unable to establish that a show cause notice was issued to the petitioner for the purpose of defending his case. Thus, the order impugned is in violation of the principles of natural justice. Any order affecting the rights of the employees 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 respondent in proceedings No.Se.Mu.Na.Ka.No.8972/S2/2021 dated 15.09.2021 is quashed and the matter is remanded back to the respondent for issuing a show cause notice setting out all the facts and details to the petitioner 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 petitioner is at liberty to submit his explanation/objection within a period of two weeks from the date of receipt of a copy of the show cause notice. Thereafter, the respondent 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 Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Treasury Officer,
District Treasury,
Collectorate Campus,
Thanjavur-613 001.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9669[F] dated 03/03/2022)

+1 CC to M/s.SPL GP (SR-9749[F] dated 03/03/2022)

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RS (21.03.2022) 2P-4C