



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18559 of 2019

and

W.M.P. (MD) Nos.14946 & 14947 of 2019 & 778 of 2021

Tmt.P.Geethamani

... Petitioner

-vs-

- 1.The State Government of Tamil Nadu,
Rep., by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 006.
 - 2.The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai-600 006.
 - 3.The Director,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.
 - 4.The Dean,
K.A.P.Viswanatham Government Medical College,
Trichy.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned circular dated 27.06.2019 in Ref.No.e/f/vz;/82155-ep2-5-2017 issued by the 3rd respondent and the consequential impugned notice in R.C.No:11035/E3/2015, dated 13.08.2019 issued by the 4th respondent herein and quash the same.

For Petitioner : Mr.M.Dinesh

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

O R D E R

The notice dated 13.08.2019 is under challenge in the present writ petition.

2.The notice impugned states that an excess amount has been paid to the petitioner based on the inadvertent fixation done by the office of the Dean, K.A.P.Viswanatham Government Medical College, Trichy. Though it is stated as notice, the learned counsel for the petitioner reiterated that the petitioner was asked to pay the money allegedly granted excessive.

3.This Court is of an opinion that any notice, affecting the service condition of an employee, must be issued only after providing an opportunity to the employee. In the present case, though the impugned notice states that it is a notice, the notice do not contain an opportunity for the purpose of submitting an explanation. Thus, a revised show cause notice is to be issued afresh by setting out the facts and providing an opportunity to the writ petitioner to submit her explanations/objections, if any, within a period to be stipulated.

4.The learned Additional Government Pleader relying on the counter statement made a submission that during the pendency of the writ petition, a revised notice was issued to the writ petitioner setting out the facts in detail. The petitioner is fully aware of the proceedings and therefore, the authorities are in the process of adjudication. However, this Court is of an opinion that an opportunity in clear terms is to be provided to the writ petitioner. Thus, the petitioner is permitted to submit additional explanations/objections, if any, to the respondents within a period of two weeks from the date of receipt of a copy of this order and thereafter, the respondents are directed to continue the process and consider the explanations/objections submitted by the petitioner and take a decision on merits and in accordance with law and pass final orders as expeditiously as possible.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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- To
- 1.The Secretary to Government,
The State Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 006.
 - 2.The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai-600 006.
 - 3.The Director,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.
 - 4.The Dean,
K.A.P.Viswanatham Government Medical College,
Trichy.

+1 CC to M/s.SPL GP (SR-6854[F] dated 17/02/2022)

W.P.(MD) No.18559 of 2019

16.02.2022

MGJ(02.03.2022) 3P 6C