



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18674 of 2021

and

W.M.P. (MD) Nos. 15389 of 2021 and 2272 of 2022

S. Alex, ... Petitioner

Vs.

1. The Secretary to Government,
P&AR (FR-IV) Department,
Secretariat,
Chennai-600 009.

2. The Director of Public Health and Preventive Medicine,
DMS Campus,
Teynampet,
Chennai-600 006.

3. The Public Analyst,
Food Analysis Laboratory,
Palayamkottai,
Tirunelveli-627 002.

4. The Public Analyst,
Food Analysis Laboratory,
Dr. Thangaraj Salai,
Poor Home Campus,
Madurai-625 020.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling the records of the second respondent i.e., the Director of Public Health and Preventive Medicine, Chennai in his Letter No.116185/E2/S2/2010 dated 31.05.2020 and communicated to the petitioner in Endorsement No.666/A1/2020 dated 07.07.2020 by the Public Analyst, Food Analysis Laboratory, Palayamkottai and quash the same and consequently direct the first and second respondents i.e., the Secretary to Government, P&AR (FR-IV) Department, Chennai and the Director of Public Health and Preventive Medicine, Chennai to continue the advance increments already sanctioned to the petitioner in the proceedings R.No.38853/E2/S2/11 dated 18.11.2011 of the Director of Public Health and Preventive Medicine, Chennai as per G.O.Ms.No.37 P&AR Department dated 10.03.2020 and further



clarification issued in G.O.No.116 P&AR Department dated 15.10.2020.

For Petitioner : Mr.S. Visvalingam,
For Respondent : Mr.D.Sadiq Raja
Additional Government Pleader

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O R D E R

The order of recovery impugned issued in proceedings dated 31.05.2020 is under challenge in the present Writ Petition.

2. The respondents are 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 second respondent in proceedings Letter No.116185/E2/S2/2010 dated 31.05.2020 is quashed and the matter is remanded back to the second 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 second 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 (P&A)

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/ /2022

Sub Assistant Registrar (CS)

ssb

To

1. The Secretary to Government,
P&AR (FR-IV) Department,
Secretariat,
Chennai-600 009



2. The Director of Public Health and Preventive Medicine,
DMS Campus,
Teynampet,
Chennai-600 006

3. The Public Analyst,
Food Analysis Laboratory,
Palayamkottai,
Tirunelveli-627 002

4. The Public Analyst,
Food Analysis Laboratory,
Dr. Thangaraj Salai,
Madurai-625 020

+1 CC to M/s.SPL GP (SR-9701[F] dated 03/03/2022)

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