



W.P(MD)No.10186 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10186 of 2018

and

W.M.P.(MD)Nos.9304 and 9305 of 2018

J.Adline Festus

... Petitioner

Vs

The Divisional Manager,
The Oriental Insurance Company Ltd.,
Divisional Officer, Nagercoil,
Kanyakumari District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in connection with impugned order passed by the respondent vide his proceedings No.Nil dated 27.03.2018 and quash the same as illegal.

For Petitioner : Mr.S.Bharathy Kannan

For Respondent : Mr.K.Balasubramanian



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ORDER

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Heard the learned counsel on either side.

2.The writ petitioner retired as Development Officer. The petitioner challenges the impugned order of recovery. The stand of the respondent is that since the petitioner did not meet the target, the employer had suffered loss and cost ratio has been appropriately worked out. It is this that is sought to be recovered from the writ petitioner.

3.Even though the learned standing counsel for the insurance company took me through the averments set out in the counter affidavit as well as the materials enclosed in the typed set of papers and strongly contended that the impugned order of recovery deserves to be sustained, I interfere only on a limited ground. Any order of recovery has severe civil consequences. The petitioner was not put on notice before passing the impugned order of recovery. On this sole ground of violation of principle of natural justice, the impugned order of recovery is quashed and the writ petition is allowed. The matter is remitted to the file of the respondent to pass an order afresh on merits and in accordance with law. The petitioner will be of course issued with show cause notice and also heard before passing any final order.



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4. With this liberty to the respondents, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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