



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD) .No.13876 of 2015
and
M.P(MD) .Nos. 1 and 2 of 2015

S.P.Seenivasan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Commissioner,
Thirumayam Union,
Thirumayam,
Pudukkottai District.

... Respondents

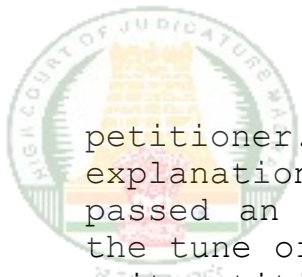
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order bearing Na.Ka.A1/2088/2015 dated 27.07.2015 and the consequential impugned order bearing Se.Mu.Na.Ka.A1/2088/2015 dated 29.07.2015 passed by the second respondent and quash the same and with a consequential direction directing the respondents to fix the petitioner's salary as in the proceedings dated 21.09.2011.

For Petitioner	: No Appearance
For R1	: Mr.R.Ragavendran Government Advocate (Civil Side)
For R2	: Mr.S.Satheeshkumar

O R D E R

The petitioner was appointed by the second respondent as driver on 01.10.1999 and the salary was fixed as 3200-85-4900 along with other benefits. The petitioner completed ten years of service in the year 2009 and he is eligible for the selection grade pay and the second respondent vide proceedings dated 21.09.2011 had revised and refixed the scale of pay and grade pay. As per G.O.No.65 the scale of pay is fixed as 9300-34800+GP4200 and he was receiving the said scale of pay for the past four years.

2. The second respondent passed an impugned order dated 27.07.2005, had revised and refixed the scale of pay as Rs.9300-34800+GP4200. The said revision was passed without any notice to the



petitioner. In spite of the same, the petitioner has submitted an explanation dated 29.07.2005. The second respondent immediately passed an order dated 29.07.2015 directing the recovery amount to the tune of Rs.3,79,110/-. Aggrieved over the petitioner, filed this writ petition.

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3. The respondents have filed vacate stay petition to vacate the interim order dated 06.10.2009. The petitioner is not entitled enhancement of 9300-34800+GP4200 as per the G.O. aforesaid. He is entitled to (3%+3%) and basic pay (Pay+Grade Pay) as on the date of selection grade on 06.10.2009. Therefore this pay was revised and revision of pay is as per the existing G.O.

4. Heard the learned counsel for both the sides and perused the materials on records.

5. The petitioner is stating that the said revision was done without notice to the petitioner. This Court without going into the merits of the case directing the respondents to issue notice to the petitioner. Thereafter, call for explanation and pass a speaking order. Until then the recovery shall not be carried out. The impugned order of the recovery is set aside and respondents are directed to complete the entire exercise within a period of six weeks and pass a speaking order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Pudukkottai District.

2.The Commissioner,
Thirumayam Union,
Thirumayam,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-2011[F] dated 21/01/2022)

W.P (MD) No.13876 of 2015
20.01.2022

SR(CO)
TR(09.02.2022) 3P 4C