



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20634 of 2021

and

W.M.P. (MD) Nos.17261 & 17262 of 2021 & 669 of 2022

WEB COPY

Arulmurugan

... Petitioner

vs.

Airport Authority of India
rep.by its Airport Director
Trichy International Airport
Trichy District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the respondent in his proceedings Ref.No.AA1/TR/DIS-ACT/6053, dated 25.10.2021, quash the same.

For Petitioner : Mr.R.Murali
for Mr.Balaji.T.

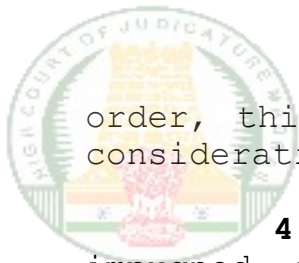
For Respondent : Mr.Godwin

O R D E R

The order of recovery, dated 25.10.2021, passed by the respondent, imposing a recovery of Rs.3,63,431/-, is under challenge in this writ petition.

2. The petitioner was appointed as Assistant (Fire Service) during February, 2001. The respondent issued a show cause notice on 21.06.2021 stating that financial loss has been caused to the Airports Authority of India in view of the occupation of the official quarters by the petitioner without obtaining permission. Further, in the said show cause notice, the financial loss was calculated as Rs.69,246/-, however, in the final order, passed after four months from the date of the show cause notice, the recovery amount is calculated as Rs.3,63,431/-.

3. The learned counsel appearing for the petitioner made a submission that when there is a total deviation in the impugned order in respect of the quantum of recovery amount, the petitioner must be provided with an opportunity to defend the facts with reference to the circumstances. In view of the discrepancy in the recovery amount, both in the show cause notice and in the impugned



order, this Court is inclined to remand the matter back for fresh consideration.

4. Accordingly, the writ petition is allowed and the impugned order dated 25.10.2021, passed by the respondent, is quashed. The respondent is directed to issue a fresh show cause notice to the petitioner setting out all the facts and circumstances, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show cause, the petitioner is at liberty to submit his explanation / defence along with the documents, if any, within a period of two weeks thereafter. Subsequently, the respondent shall consider the case and pass orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To

The Airport Director ,
Airport Authority of India
Trichy International Airport
Trichy District

+1 CC to M/s.C. GODWIN, Advocate (SR-18654[F] dated 13/04/2022)

+1 CC to M/s.T. BALAJI, Advocate (SR-18895[F] dated 18/04/2022)

W.P. (MD) No.20634 of 2021

and

W.M.P. (MD) Nos.17261 & 17262 of 2021 &

669 of 2022

13.04.2022

RK(28/04/2022) 2P 4C