



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 04.01.2022

ORDER PRONOUNDED ON : 06.01.2022

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.2657 of 2015

and

MP(MD) .Nos. 1 & 2 of 2015

R.Nagarajan

...Petitioner

Vs

The Superintendent of Police
District Police Office
Virudhunagar
Virudhunagar District

...Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to his proceedings in C.No.L4/62501/1254/2014 D.O.No.1892/2014 dated 24.12.2014 and consequential order passed by the respondent in Na.Ka.No.D2/363/2015 Ma.Aa.No.125/2015 dated 09.01.2015 signed on 22.01.2015 quash the same and direct the respondent to re-fix the pay of the petitioner as per his previous re-fixation order dated 13.01.2012 in his L4/67417/2012/D.O./53/2012.

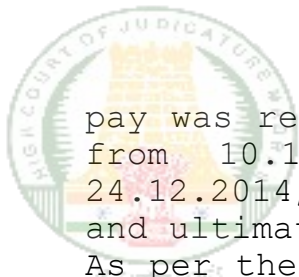
For Petitioner : Mr.N.Tamilmani
Advocate

For Respondent : Mr.G.Sivaraja
Government Advocate

ORDER

The present writ petition has been filed challenging an order of recovery passed by the respondent on 24.12.2014 and the consequential order dated 09.01.2015 effecting recovery.

2.The learned counsel for the petitioner contended that he was appointed to the post of Junior Assistant on 26.11.2010 by the
<https://hcservices.hcs.gov.in/hcservices> of the Director General of Police. On 13.01.2012, his



pay was refixed at Rs.7960/- with two advance increment with effect from 10.12.2010 totalling a sum of Rs.8440/-. Suddenly on 24.12.2014, the respondent has revised the pay scale as Rs.7600/- and ultimately reducing it to Rs.8060/- with effect from 10.12.2010. As per the said impugned order, the revision is made based upon the remark made by the Accounts General Office. In consequence to the said order, another order was passed on 09.01.2015 by the respondent effecting recovery of a sum of Rs.74,663/- at the rate of Rs.2000/- per month for 38 months. The said orders are challenged in the present writ petition.

3.The writ petitioner has filed an additional affidavit on 29.12.2021 raising an additional ground that the petitioner was not put on notice prior to the revision of pay or recovery order.

4.A counter has been filed by the respondent defending the impugned order on the ground that the petitioner is not eligible for higher pay as per G.O.Ms.No.340 Finance (Pay Cell) Department, dated 26.08.2010 since the petitioner has joined as Junior Assistant only after 01.06.2009 i.e on 10.12.2010.

5.A perusal of the impugned order dated 24.12.2014 and the consequential order dated 09.01.2015 will clearly indicate that the pay scale of the writ petitioner has been reduced without issuing any notice or seeking for any explanation from the writ petitioner. Reduction in pay and recovery order are having civil consequences and hence, unless preceded by a notice and enquiry, the said orders are liable to be quashed for violation of the principles of natural justice. Admittedly, in the present case, no notice has been issued to the writ petitioner before effecting recovery.

6.In view of the above, this writ petition stands allowed and the impugned orders are set aside. The matter is remitted back to the file of the respondent. The respondent is directed to afford reasonable opportunity to the writ petitioner before passing any order. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

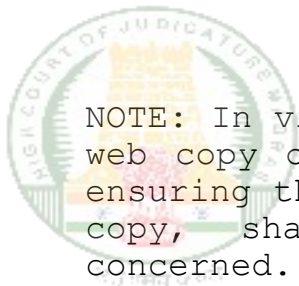
Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

msa



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.

WEB COPY

To
The Superintendent of Police
District Police Office
Virudhunagar
Virudhunagar

+2 CC to M/s.N.TAMILMANI, Advocate (SR-298,SR-720[F] dated 05/01/2022)

+1 CC to M/s.SPL.GP (SR-762[F] dated 07/01/2022)

**W.P. (MD) .No.2657 of 2015 and
MP (MD) .Nos. 1 & 2 of 2015
06.01.2022**

RD/CK(10.02.2022) 3P 5C