



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2022**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.17054 of 2018

and

W.M.P. (MD)No.15034, 15035 & 21908 of 2018

WEB COPY

P.Esakkimuthu

...Petitioner

/Vs./

- 1.The Director of Animal Husbandry & Veterinary Services,  
O/o. the Directorate of Animal Husbandry & Veterinary Services,  
DMS Building, Thenapet,  
Chennai - 6.
- 2.The Joint Director of Animal Husbandry & Veterinary Services,  
O/o. the Joint Director of Animal Husbandry & Veterinary  
Services,  
Collectorate Compound,  
Thirunelveli,  
Thirunelveli District.
- 3.The Assistant Director of Animal Husbandry & Veterinary Services,  
O/o.the Assistant Director of Animal Husbandry & Veterinary  
Services,  
Seranmahadevi,  
Thirunelveli District.

...Respondents

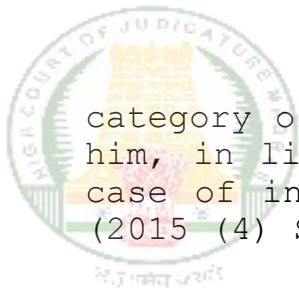
PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order of recovery passed by the third respondent in his proceedings in Se.Na.Ka.No.2573/Aa1/2017 dated 15.06.2018 insofar as the petitioner is concerned and quash the same as illegal.

|                 |                            |
|-----------------|----------------------------|
| For Petitioner  | : Mr.A.Nawaz Khan          |
| For Respondents | : Mr.A.K.Manikkam          |
|                 | Special Government Pleader |

**ORDER**

Heard Mr.A.Nawaz Khan, learned counsel for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader for the respondents.

2.The petitioner challenges an order passed by the Assistant Director of Animal Husbandry & Veterinary Services, arrayed as R3 seeking to recover increments paid to the petitioner herein. The order is assailed on the ground the petitioner falls within Group-C



category of employees and as such, no recovery can be effected from him, in line with the Judgment of the Hon'ble Supreme Court in the case of *State of Punjab and others vs. Rafiq Masih* (2015 (4) SCC 334).

3.Mr.A.K.Manikkam, learned Special Government Pleader would also fairly confirm and acquiesce to the factual status of the employee and the applicability of the Judgment as aforesaid.

4.Thus and in the light of the discussion as aforesaid, the impugned order of recovery is quashed and this Writ Petition allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Sm

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 Director of Animal Husbandry & Veterinary Services,  
O/o. the Directorate of Animal Husbandry & Veterinary Services,  
  
DMS Building, Thenapet,  
Chennai - 6.
- 2.The Joint Director of Animal Husbandry & Veterinary Services,  
O/o. the Joint Director of Animal Husbandry & Veterinary Services,  
Collectorate Compound,  
Thirunelveli,  
Thirunelveli District.

3.The Assistant Director of Animal Husbandry & Veterinary Services,  
<https://hcservices.ecourts.gov.in/hcservices/>



O/o.the Assistant Director of Animal Husbandry & Veterinary  
Services,  
Seranmahadevi,  
Thirunelveli District.

+1 CC to M/s.SPL.GP ( SR-1029[F] dated 10/01/2022 )

+1 CC to M/s.AJMAL ASSOCIATES, Advocate ( SR-1055[F] dated  
10/01/2022 )

W.P.(MD)No.17054 of 2018  
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RD(21.01.2022) 3P 6C