



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) Nos.22270 & 22271 of 2019 and
W.M.P.(MD).Nos.19053 & 19054 of 2019

S.Jayapal ... Petitioner in W.P(MD).No.22270 of 2019

M.Sadasivam ... Petitioner in W.P(MD).No.22271 of 2019

Vs.

The Registrar,
Gandhigram Rural Institute [Deemed to be Univeristy]
Gandhigram-624 302,
Dindigul District. ... Respondent in both petitions

Prayer in W.P.(MD).No.22270 of 2019: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the orders passed by the respondent in Ref:Estt.3/Instructors/2018-19/4831 dated 28.03.2019 and the continuation order in Ref:Estt.3/Instructors/2019-20/1732 dated 25.09.2019 and quash the same and consequently direct the respondent to reimburse the amount recovered from the petitioner's salary and direct the respondent to treat the petitioner as teaching staff of the University.

Prayer in W.P.(MD).No.22271 of 2019: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the orders passed by the respondent in Ref:Estt.3 /Instructors/2018-19/4834 dated 28.03.2019 and the continuation order in Ref:Estt.3/Instructors/2019-20/1735 dated 25.09.2019 and quash the same and consequently direct the respondent to reimburse the amount recovered from the petitioner's salary and direct the respondent to treat the petitioner as teaching staff of the University.

In both petitions

For Petitioner : Mr.R.Sureshkumar
For Respondent : Mr.A.P.Thangavel



C O M M O N O R D E R

The petitioners were appointed as Instructor and their services were regularised. The orders of recovery were imposed in respect of excess payment made to earned leave credits and an audit objection was raised. Pursuant to the audit objection, the impugned orders of recovery have been passed.

2. The learned counsel for the petitioners mainly contended that the petitioners were not provided with an opportunity to defend their case. Any order affecting the service condition of an employee must be passed only after providing an opportunity to the aggrieved person enabling him to defend his case. In the present case, there is no reference regarding show cause notice. Mere intimation may not be sufficient to comply with the principles of natural justice.

3. This being the factum, the matters need to be remanded for fresh consideration. Accordingly, the impugned orders passed by the respondent dated 28.03.2019 and 25.09.2019 are quashed and the matters are remanded back for fresh consideration. The respondent is directed to issue a show cause notice setting out the facts and details to the petitioners within a period of four weeks from the date of receipt of a copy of this order. On receipt of show cause notice, the petitioners are directed to submit their explanation/objection if any, along with the documents. Thereafter, the respondent shall consider the explanation and decide the issues on merits and in accordance with law as expeditiously as possible.

4. With these directions, the Writ Petitions stand allowed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (LA&MC)

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Sub Assistant Registrar(CS)

ssb

To

The Registrar,
Gandhigram Rural Institute [Deemed to be Univeristy]
Gandhigram-624 302,
Dindigul District.

W.P. (MD) No.22270 & 22271 of 2019

16.02.2022

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