



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22872 of 2021

and

W.M.P(MD).Nos.19352 of 2021 and 174 of 2022

WEB COPY

X.Arun

... Petitioner

versus

1.The District Educational Officer,
Illuppur,
Pudukkottai District.

2.The Block Educational Officer,
Annavaasal,
Pudukkottai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in his proceedings in O.Mu.No.1827/A3/2021 dated 05.07.2021 and quash the same and direct the respondents to continue to pay the incentive increments and sanction the selection grade with effect from 15.09.2020 I.e. On completion of 10 years of service to the petitioner.

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

This writ petition has been filed against the order of cancelling the incentive increments provided to the petitioner and the consequent order of recovery.

2. The learned counsel for the petitioner submitted that the impugned order has been passed without providing an opportunity and prior notice to the petitioner. If an opportunity is provided to the petitioner, the petitioner can establish his case before the respondents. He further submitted that the petitioner was provided with incentive increments over a period of considerable time. Thereafter, the respondent has taken a decision that the petitioner is not entitled for incentive increments and passed the impugned order.



3. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner is not entitled for the incentive increments and therefore, as per the Government Order, the impugned order has been passed.

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4. On perusal of the records, it is seen that the impugned order has been passed without providing any opportunity to the petitioner, which is in violation of the principles of natural justice.

5. Considering the rival submissions and the limited prayer sought for in the writ petition, this Court remits the matter back to the respondents to pass a detailed order with regard to his eligibility of incentive increment after providing an opportunity to the petitioner. Accordingly, this Writ petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

// 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 Educational Officer,
Illuppur,
Pudukkottai District.

2.The Block Educational Officer,
Annavaasal,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-3999[F] dated 03/02/2022)

W.P (MD) No.22872 of 2022

02.02.2022

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