



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.24897 of 2019

and

W.M.P.(MD) Nos.21494, 21495 & 23616 of 2019

A.Muniasamy

... Petitioner

-VS-

1.The Chief Educational Officer,
Ramanathapuram District, Ramanathapuram.

2.The District Educational Officer,
O/o.The District Educational Officer,
Mandapam, Ramanathapuram District.

3.The Block Educational Officer,
O/o.The Block Educational Office,
Kadaladi Block, Mandapam Educational District,
Ramanathapuram District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.ka.No.556/A1/2019 dated 12.11.2019 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction forbearing the respondents from recovering the incentive granted to the petitioner for acquiring M.Ed.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

O R D E R

The pay fixation and recovery, sought to be made against the writ petitioner through the impugned order dated 12.11.2019 without issuing any show cause notice and opportunity to the writ petitioner, is under challenge in the present writ petition.



2.The case of the petitioner is that he is working as Secondary Grade Teacher, New Middle School (Government Aided School), Sayalkudi, Kadaladi Union, Ramanathapuram District, and granted with incentive increments. There was an objection regarding the grant of incentive increment and based on the objection, the authorities competent initiated action for refixation of pay and recovery of excess payment was made.

3.The learned Additional Government Pleader appearing on behalf of the respondents is unable to establish that a show cause notice was issued to the writ petitioner to defend his case.

4.This Court is of the considered opinion that any order, affecting the rights of an employee, must be issued only after providing an opportunity to such an employee. In the present case, no show cause notice was issued to the writ petitioner. Therefore, the matter is to be remanded back.

5.Accordingly, the order impugned passed by the 3rd respondent in proceedings dated 12.11.2019 is quashed and the matter is remanded back to the 3rd respondent for issuing show cause notice to the writ petitioner within a period of four weeks from the date of receipt of copy of this order. On receipt of the show cause notice, the petitioner is at liberty to submit his explanations/objections within a period of two weeks from the date of receipt of a copy of the show cause notice and thereafter, the authorities competent shall consider the issue on merits and in accordance with law and pass orders as expeditiously as possible.

6.In the result, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

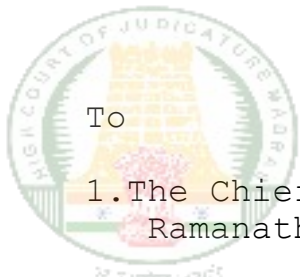
Assistant Registrar

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Chief Educational Officer,
Ramanathapuram District, Ramanathapuram.
- 2.The District Educational Officer,
O/o.The District Educational Officer,
Mandapam, Ramanathapuram District.
- 3.The Block Educational Officer,
O/o.The Block Educational Office,
Kadaladi Block, Mandapam Educational District,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-11819[F] dated 14/03/2022)

W.P. (MD) No.24897 of 2019
11.03.2022

MK/25.03.2022/3P/5C