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W.P.(MD)NO.27076 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27076 of 2022 and
W.M.P.(MD)Nos.21236 & 21237 of 2022

V.Sivasubramanian,
S/o.Veluchamy,
Skilled Assistant Grade-II,
Dindigul City Municipal Corporation,
Dindigul.

... Petitioner

Vs.

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.
3. The Commissioner,
Dindigul City Municipal Corporation,
Dindigul -1.
4. The Assistant Director,
Local Fund Audit,
Dindigul City Municipal Corporation,
Dindigul-1.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of declaration, declaring that the action of the respondent No.3 in re-fixing pay scale of the petitioner with effect from October, 2022 without passing



any order and hearing the petitioner is illegal and consequently direct the respondents to restore the pay scale of the petitioner which existed prior to the re-fixation of pay effected during October, 2022 with all consequential benefits and to reimburse the amount deducted from monthly salary of the petitioner within the time stipulated by this Court.

For Petitioner : Mr.M.Kalifullah

For R-1,R-2 &R-4: Mr.R.Sureshkumar,
Additional Government Pleader.

For R-3 : Mr.M.Thirunavukkarasu,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is employed as Skilled Assistant Grade-II in Dindigul City Municipal Corporation. His grievance is that even without passing formal order or issuance of notice to him, the employer has re-fixed his scale of pay with effect from October 2022. It is also stated that the recovery also is being effected from his monthly salary. Hence, the present writ petition has been filed.



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3. When the matter was taken up for hearing, the learned Standing counsel appearing for the third respondent fairly submitted that this writ petition may be allowed.

4. Accordingly this writ petition stands allowed. The third respondent is directed to restore the petitioner's original scale of pay whatever amount that was deducted and recovered from the petitioner's monthly salary for the month of October 2022 and it shall be refunded to the writ petitioner.

5. Liberty is however given to the third respondent to issue proper order after complying with the principles of natural justice. No costs. Consequently, connected miscellaneous petitions are closed.

01.12.2022

Index : Yes / No
Internet : Yes/ No

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To:

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G.R.SWAMINATHAN,J.

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