



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.27191 of 2019

and

W.M.P. (MD) No.23498 of 2019

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C.Mahendran

... Petitioner

vs.

1.The Commissioner

Hindu Religious and Charitable
Endowment Department
Chennai-34

2.The Joint Commissioner

Hindu Religious and Charitable
Endowment Department
Tirunelveli-2

3.The Assistant Commissioner

Hindu Religious and Charitable
Endowment Department
18, Naachi Street
Virudhunagar District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned proceedings of the 2nd respondent in Na.Ka.No.12470/2018-3/Aa2 dated 09.11.2019 and quash the same.

For Petitioner : Mr.K.Muthumalai

For Respondents : Mr.P.Subbaraj

Special Government Pleader

O R D E R

The order of recovery, dated 09.11.2019, passed by the second respondent, is sought to be quashed in this writ petition.

2. The petitioner is working as Executive Officer Grade-II in Arulmigu Maiyuranatha Swamy Thirukovil, Pethavanallur, Srivilliputhur. The impugned order states that based on the audit objection dated 30.09.2019, the Authorities found that excess payment has been disbursed in respect of an employee, who was terminated from service. The audit objection relating to disbursement of money to the employee, who was terminated and subsequently, reinstated in service, is pursuant to the orders passed by the Labour Court. However, there is no reference regarding the opportunity provided to the petitioner.



3. The learned Special Government Pleader appearing for the respondents is unable to establish that a show cause notice has been issued to the petitioner before passing the impugned order. Thus, the impugned order is in violation of the principles of natural justice.

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4. In such view of the matter, the writ petition is allowed and the order dated 09.11.2019, passed by the second respondent, is quashed. The matter is remanded back to the respondents for fresh consideration. The respondents are directed to issue a show cause notice to the petitioner setting out the facts and details, within a period of four weeks from the date of receipt of a copy of this order and on receipt of the show cause notice, the petitioner is directed to submit explanation / objection along with documents, if any, within a period of two weeks thereafter. Thereupon, the competent Authority shall consider the explanation and take a decision on merits and in accordance with law and pass final orders as expeditiously as possible. No orders. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department, Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,Tirunelveli-2.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
18, Naachi Street, Virudhunagar District

+1 CC to M/s.SPL GP (SR-6749[F] dated 17/02/2022)

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W.M.P. (MD) No.23498 of 2019
16.02.2022

RJ(CO)

KB(24.02.2022) 2P 5C

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