



W.P.(MD)No.28910 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28910 of 2022

and

WMP(MD)Nos. 22896 and 22897 of 2022

Subbulakshmi

... Petitioner

Vs.

1.The Commissioner,
Survey and Land Revenue,
Survey House,
Chepaukam,
Chennai

2.The Regional Deputy Director,
Survey Department,
Madurai

3. The Assistant Director of Survey,
Survey Department,
Thoothukudi

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari by calling for the records relating to the proceedings of the 3rd respondent made in Na.Ka.No. A1/ 5461/ 2022 dated 07.12.2022 and quash the same in so far as the Writ Petitioner.



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For Petitioner	: Mr.M.Suresh Kumar.
For Respondents	: Mr.S.P.Maharajan Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the third respondent in Na.Ka.No. A1/ 5461/ 2022, dated 07.12.2022, in and by which, the third respondent ordered for recovery from the petitioner.

2. The case of the petitioner is that she was appointed as Draftsman in the year 1982 at Madurai District. In the year 1985, she was promoted as Senior Draftsman. Thereafter, Madurai District was bifurcated and Dindigul was declared as separate District. The petitioner was awarded with Selection Grade and Special Grade in the year 1995 and 2005 respectively. Again, she was promoted as Head Draftsman in the year 2007 and in the year 2010, promoted as Manager Technical and on 31.12.2012, she retired from service. After ten years of retirement, the third respondent passed the impugned recovery order. Challenging the same, the petitioner has filed the present writ petition.



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3. The learned counsel appearing for the petitioner would submit that there is violation of principles of natural justice as no notice was issued and no opportunity was given to the petitioner before passing the impugned order.

4. The learned Special Government Pleader appearing for the respondents would fairly submit that no opportunity was given before passing the impugned order and therefore, the impugned order may be set aside and the matter may be remanded back to the third respondent for fresh consideration.

5. Accordingly, this writ petition is allowed and the impugned order of the third respondent, dated 07.12.2022, is set aside and the matter is remanded back to the third respondent for considering the matter afresh. The third respondent is directed to issue a show-cause notice to the petitioner and if any show-cause notice is issued, the petitioner is directed to give explanation within a period of two weeks thereafter and after receipt of such explanation and after conducting



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enquiry, the second respondent shall pass appropriate orders in accordance with law, within a period of twelve weeks thereafter.

No Costs. Consequently, connected miscellaneous petitions are closed.

23.12.2022

pm

To

- 1.The Commissioner,
Survey and Land Revenue,
Survey House,
Chepaukam,
Chennai
- 2.The Regional Deputy Director,
Survey Department,
Madurai
3. The Assistant Director of Survey,
Survey Department,
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M.DHANDAPANI,J.

pm

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