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W.P. No.28036 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:
THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.28036 of 2023
and
W.M.P. Nos.27555 and 27556 of 2023

S. Varadharajan

Petitioner

v

1 The Secretary to Government
Home (Courts-V) Department
Secretariat
Fort St. George
Chennai 600 009

2 The Registrar General
Madras High Court
Chennai 600 104

3 The Principal District Judge
Cuddalore District
Cuddalore

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to the third respondent's proceedings in D.No.11363/2022 dated 15.12.2022 and the consequential notice dated 16.08.2023 with respect to recovery proceedings and quash the same and direct the respondents to regularise the petitioner's service from the date of joining in the post of Typist/Copyist, viz., 27.08.2007



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For petitioner	Mr. M. Muthappan
For R1	Mr. R. Ganesan Government Advocate
For RR 2 & 3	Mr. B. Vijay Standing Counsel

ORDER

(made by S. VAIDYANATHAN, J.)

This writ petition impugns the proceedings dated 15.12.2022 of the third respondent, enclosing the objection of the Internal Audit Wing of this Court, in and by which, the petitioner has been required to submit his explanation within a fortnight, and the consequential notice dated 16.08.2023 of the third respondent, whereby and whereunder, the petitioner has been directed to inform in writing, his objection or otherwise, for recovery of a sum of Rs.5,24,547/- paid to him in excess, owing to wrong pay fixation for the period 09.07.2009 to 31.10.2022.

2 Concededly, as stated above, by notice dated 16.08.2023 issued by the third respondent, the petitioner has been merely directed to inform his objection or otherwise, for recovery of the so-called excess payment made to him and be it noted, the excess amount paid is not ordered to be recovered from him. At this juncture, it is worth pointing out that there is a plethora of judgments on the proposition that a writ petition cannot be entertained against



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a show cause notice and suffice to advert to the judgment of the Supreme Court in **Commissioner of Central Excise, Haldia v Krishna Wax Private Ltd.¹**

3 In such perspective of the matter, this writ petition being premature, this Court is not inclined to delve into the merits of the contentions of the parties. In case, any adverse order is passed, it is open to the petitioner to assail the same, if so advised, by raising the grounds urged in this writ petition.

In the result, this writ petition fails and it is accordingly dismissed sans costs. Connected W.M.Ps. are closed.

(S.V.N., J.) (K.R.S., J.)
26.09.2023

cad

To

- 1 The Secretary to Government
Home (Courts-V) Department
Secretariat, Fort St. George
Chennai 600 009
- 2 The Registrar General
Madras High Court, Chennai 600 104
- 3 The Principal District Judge
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<https://www.mhc.tn.gov.in/judis>

1 (2020) 12 SCC 572



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S. VAIDYANATHAN, J.

and

K. RAJASEKAR., J.

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