



W.P.No.24832 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

WP.No.24832 of 2017

And

W.M.P.No. 26232 of 2017

A.Kanakaraj

... Petitioner

-Vs-

1. The Superintendent of Prisons,
Central Prison, Salem – 636 007.

2. The Principal Accountant General (A &E)
Anna Salai, Chennai – 600 018.
Tamil Nadu,

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent relating to order in Proc.No. PO 1/ 18867/2016 dated .04.2017 signed on 20.04.2019 to quash the same and to consequently, direct the respondents herein to forthwith refund the amount recovered from the petitioner till date to the petitioner.



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For Petitioner : Mr. M.Ravi
For 1st Respondent : Mr. R.Neethi Perumal
Government Advocate
For 2nd Respondent : No appearance

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records of the first respondent/ Superintendent of Prison, Central Prison, Salem, which was signed on 20.04.2017 and quash the same.

2. The petitioner had joined the service of the respondent as Warder, Grade – II on 19.04.1983. He was then promoted to the next higher posts of Head Warder, Chief Head Warder and Assistant Jailor. He retired on 02.03.2017 voluntarily on his own request. Subsequently, the impugned order came to be issued to the petitioner herein stating that the pay fixation of the petitioner in the year 2013 had been wrongly done and seeking recovery of the amounts which according to the respondents had been wrongly credited to the petitioner herein.



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3. The learned counsel for the petitioner stated that questioning this particular order, he had given a representation on 01.06.2017. It is complained that no opportunity was granted to the petitioner before the impugned order was passed.

4. In view of this particular stand, without going into the merits, it is held that the impugned order may remain as it is, but let the respondents to whom the petitioner had given a representation re-examine the impugned order in the light of the representation given by the petitioner on 01.06.2017. If the representation of the petitioner is not available in the records, the petitioner may give a fresh copy of the representation dated 01.06.2017 within a period of two weeks from the date of receipt of a copy of this order and thereafter, within a period of further of four weeks, the respondents may pass orders by examining the representation and by determining whether the impugned order requires to be re-visited. If it is to be re-visited, then necessary revised order may be passed by the respondents. If no such necessity arises, then the same order may be



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reiterated by the respondents.

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C.V.KARTHIKEYAN, J.

Vsg

5. Stating as above, this Writ Petition stands disposed of. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

vsg

20.09.2023

Index:Yes/No

Neutral Citation:Yes/No

To

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