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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.11591 of 2023

and

WMP(MD)Nos.10070 & 10071 of 2023

R.Clement Raj

... Petitioner

Vs.

- 1.The Principal Secretary to the Government,
Finance Department, Fort St.George,
Chennai-9.
- 2.The Principal Secretary to the Government
School Education Department,
Fort St.George, Chennai.
- 3.The Commissioner of School Education,
DPI Compound, College Road,
Chennai – 600 006.
- 4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai – 600 006.
- 5.The Chief Educational Officer,
Kanyakumari District.
- 6.The District Educational Officer,
Nagercoil, Kanyakumari District.



7. The Headmaster,
Government Higher Secondary School,
Agastheeswaram,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order in Na.Ka.No.108/2023 dated 28.04.2023 on the file of the respondent No.7 and quash the same as illegal and consequently for a direction, directing the respondent No.7 to re-fix the scale of pay of the petitioner and forward the pension proposal of the petitioner within a time period stipulated by this Court.

Petitioner : Mr.T.Aswin Rajasimman
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader
for R1 to R7
Mr.P.Gunasekaran for R8

ORDER

Heard the learned counsel on either side.



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2. The petitioner retired as Vocational Instructor on 31.05.2023. On the eve of his retirement, the impugned proceedings dated 28.04.2023 was served by the fourth respondent. The seventh respondent has merely set forth the audit objection. According to the respondents, the petitioner's pay was erroneously fixed and that the petitioner has to repay the excess amount. It is not clear as to how the respondents came to the conclusion that there was an error in the petitioner's pay fixation. It is not necessary to interfere with the impugned order. The respondents will make available the copy of the audit objection. This will be done within a period of two weeks from the date of receipt of copy of this order. The petitioner shall offer his explanation thereafter. After receipt of the explanation, the seventh respondent shall prepare the pension proposals and send the same to the competent authority through proper channel. If according to the seventh respondent, excess salary had been received by the petitioner, the same can be withheld. The petitioner can accept the calculation done by the respondents without prejudice to his contention. The admitted pay and benefits shall be paid to the petitioner within a period of four months from the date of receipt of copy of this order. The petitioner shall receive the benefits without prejudice to his contention that the amount withheld by the petitioner shall also been paid



to him. He can also challenge the fixation done by the seventh respondent.

3.This writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

27.06.2023

Index : Yes / No
Internet : Yes/ No
SKM

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G.R.SWAMINATHAN, J.

SKM

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