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W.P.(MD)NO.19330 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19330 of 2015 AND
M.P.(MD)Nos.1 & 2 of 2015 &
W.M.P.(MD)No.279 of 2018

Y.Kaspar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Special Secretary to Government,
Public Works Department,
Secretariat, Chennai – 9.
2. The Director of Vigilance and Anti Corruption,
Chennai.
3. The Engineer-in-Chief(Buildings),
Chief Engineer(Buildings),
Chennai Region and Chief Engineer(General),
Public Works Department, Chennai- 5.
4. The Chief Engineer(Buildings),
PWD, Trichy Region, Trichy.
5. The Superintending Engineer,
PWD, Building and Maintenance (Medical Works),
Trichy.
6. The Executive Engineer,
PWD, Building and Maintenance.
Court Road,
Thanjavur.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Letter No.30242/G1/2013-1 dated 05.12.2013 and the consequential order passed by the 6th respondent in Lr. No.Ko.3/2013/Tha3 dated 18.08.2014 and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is a registered contractor. He has been awarded contract works for Government departments. By the impugned communication dated 18.08.2014, the petitioner has been directed to pay a sum of Rs.1,21,496/- to make good the loss caused to the Government.

3. It is obvious that this communication was issued without issuing any notice to the petitioner. There is a violation of principles of natural justice. On this sole ground,



the impugned communication is quashed and the matter is remitted to the file of the sixth respondent. The sixth respondent is directed to pass order afresh on merits and in accordance with law. It is needless to say that the petitioner must be first put on notice before passing any order. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

28.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Special Secretary to Government,
Public Works Department, Secretariat, Chennai – 9.
2. The Director of Vigilance and Anti Corruption,
Chennai.
3. The Engineer-in-Chief(Buildings),
Chief Engineer(Buildings),
Chennai Region and Chief Engineer(General),
Public Works Department, Chennai- 5.
4. The Chief Engineer(Buildings),
PWD, Trichy Region, Trichy.
5. The Superintending Engineer,
PWD, Building and Maintenance (Medical Works),
Trichy.
6. The Executive Engineer,
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G.R.SWAMINATHAN,J.

PMU

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