



W.P(MD)No.22576 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.22576 of 2016
and W.M.P(MD)Nos.9945 of 2017
and 16161 of 2016 of 2016

N.K.Sivakumar

...Petitioner

Vs.

1.The Director,
Local Fund Audit Department,
Kuralagam,Chennai.

2.The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation Water Tank Complex,
1st Floor, Dindigul Road,
Trichy – 620 001.

3.The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalaiperur,Trichy – 620 024.

4.The Bharathidasan University,
Rep. By its Registrar,
Palkalaiperur,
Trichy – 620 024.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution



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of India, seeking for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of 4th respondent in Na.Ka.No.B3/0087121/2009 dated 19.08.2016 and the consequential recovery proceedings of the 4th respondent in Na.Ka.No.B3/008712/2009, dated 03.11.2016 and quash the same and consequently direct the 4th respondent to clear the Audit objections raised by audit department as against the petitioner.

For Petitioner : Mr.J.Anandkumar
For R1 to R3 : Mr.A.Kannan
Addl. Government Pleader
For R4 : Mr.VR.Shanmuganathan

ORDER

This Writ Petition is filed against the order passed by the fourth respondent in Na.Ka.No.B3/0087121/2009 dated 19.08.2016 wherein the salary of the petitioner is re-fixed and the excess amount paid to the petitioner is directed to be recovered from the petitioner.

2. Counter affidavits have been filed by the fourth respondent University.

3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3



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and the learned Standing Counsel appearing for the fourth respondent University and perused the materials available on record.

4. During the course of hearing, the learned counsel for the petitioner brought to the notice of the Court that the issue involved in this Writ Petition is squarely covered by the order of a Division Bench of this Court in W.A(MD)No.684 of 2019 dated 17.11.2022 and Review Application(MD)No.170 of 2022 dated 28.04.2023.

5. The learned counsel also placed a copy of the order dated 06.06.2023 in W.A(MD)No.775 of 2023.

6. On a careful perusal of the same, it appears that the issue raised in the present Writ Petition is squarely covered by the judgment rendered by the Division Bench of Madurai Bench of Madras High Court as stated supra.



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7. In view of the same, this Writ Petition is allowed in the same terms of the judgment dated 17.11.2022 in W.A(MD)No.684 of 2019 and Review Application(MD)No.170 of 2022 dated 28.04.2023.

8. Accordingly, the impugned proceedings of 4th respondent in Na.Ka.No.B3/0087121/ 2009 dated 19.08.2016 and the consequential recovery proceedings of the 4th respondent in Na.Ka.No.B3/008712/2009, dated 03.11.2016 are set aside.

9. No costs.

10. Consequently, connected miscellaneous petitions are closed.

11. The Registry shall annexe a copy of the order of the order in W.A(MD)No.684 of 2019 and Review Application (MD)No.170 of 2022 along with this order.

14.07.2023

Index : Yes / No
NCC : Yes / No
CM



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BATTU DEVANAND, J.

CM

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