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W.P.No.23112 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR, J.

W.P.No.23112 of 2012

Dr.Anjan Bhattachariya

...

Petitioner

Vs

1.Puducherry Veterinary College Society
rep.by its Chairman, Kurumbapet,
Puducherry.

2.Rajiv Gandhi College of Veterinary
and Animal Sciences, rep.by its
Dean, Kurumbapet, Puducherry.

...

Respondents

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the 2nd respondent with No.A/15012/9/2009-10/A2/RAGACOVAS dated 05.07.2012 and to quash the same.

For Petitioner

...

Mr.V.Ajayakumar

For Respondent
Nos.1 & 2

...

Mr.J.Kumaran
Government Advocate (Pondy)



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ORDER

The writ petition has been filed for issuance of a Writ of Certiorari to call for the records of the 2nd respondent with No.A/15012/9/2009-10/A2/RAGACOVAS/804 dated 05.07.2012 and to quash the same.

2.The petitioner herein joined as Professor and Head of Department of Veterinary Public Health, Rajiv Gandhi College of Veterinary and Animal Sciences, Puducherry on 30.09.1996 in the respondents' College and he made a representation dated 24.08.2010 for fixing of pay on par with his Junior namely Dr.V.Kesav Rao. After considering the said representation dated 24.08.2010, the respondents college issued proceedings No.A.15012/9/2009-10/E1/RAGACOVAS/1141 dated 25.10.2010 stepping up the pay of the petitioner on par with his Junior Dr.V.Kesav Rao with effect from 07.01.1998. While the petitioner was drawing the said stepped up pay, the impugned proceedings dated 05.07.2012 were issued withdrawing the benefit that was extended to the petitioner through the proceedings dated 25.10.2010. Aggrieved by the said proceedings dated



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05.07.2012, the petitioner approached this Court by filing the present writ petition. This Court, while entertaining the writ petition, passed an interim order dated 27.08.2012 staying the operation of the impugned order.

3.Though counter affidavit has been filed by the respondents, there is nothing to suggest that the respondents have followed the principles of natural justice while issuing the impugned order dated 05.07.2012. Further, the impugned order also does not speak of putting the petitioner on notice before passing the same.

4.From perusing the impugned order, it is found that the petitioner has been deprived of the pecuniary benefits that were drawn by the petitioner and further, an amount of Rs.2,11,713/- is sought to be recovered from the petitioner. In such circumstances, the respondents ought have given an opportunity to the petitioner before passing the impugned order to explain as to why the said amount should not be recovered and revision of his pay.



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Index : Yes/No

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Internet : Yes/No

sms

To

1. Puducherry Veterinary College Society
rep. by its Chairman, Kurumbapet,
Puducherry.

2. Rajiv Gandhi College of Veterinary
and Animal Sciences, rep. by its
Dean, Kurumbapet, Puducherry.

3. The Public Prosecutor
High Court, Madras.



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MUMMINENI SUDHEER KUMAR, J.

sms

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