



WEB COPY

W.P.No.32755 of 2013



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.32755 of 2013

M.Mallika

... Petitioner

-Vs-

1. The Government of Tamil Nadu
Rep.by the Secretary to Government
Environment & Forests Department
Fort St.George, Chennai 600 009.

2. The Member Secretary
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai 600 032.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent in Proc.No.K.Dis.TNPC Bd /Per/P5/038337/2013 dated 08.11.2013 and quash the same and direct the second respondent to restore the pay fixation as existed prior to the issue of the impugned order and grant all consequential benefits to the petitioner.



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For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.T.Seenivasan
Special Government Pleader for R1

M/s.Vijayakumari Natarajan
Standing Counsel for R2

ORDER

This writ petition has been filed to call for the records relating to the impugned order of the second respondent in Proc.No.K.Dis.TNPC Bd /Per/P5/038337/2013 dated 08.11.2013 and quash the same and direct the second respondent to restore the pay fixation as existed prior to the issue of the impugned order and grant all consequential benefits to the petitioner.

2. Heard both sides and perused the materials available on record.

3. The writ petitioner challenges the order of the 2nd respondent dated 07.11.2013 whereby, the pay of the petitioner was revised downward and recovery was ordered. It is now brought to the notice of this Court that in an identical matter by two Orders, that is, Order in W.P.No.16401 of 2014 dated 24.06.2022 and in W.P.No.32492 of 2013 etc., dated 31.08.2020 similar orders have been set aside and the matter have been remanded back to the respondents for fresh consideration after issue of show cause notice and it is prayed that the same order shall be passed in the instant case also. Accordingly, the writ



petition is allowed on the following terms.

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1. The impugned order passed by the 2nd respondent in Proc.No.K.Dis/TNPC Bd/Per/P5/038337/2013 dated 08.11.2013 is quashed;
2. The matter is remanded back for fresh consideration by the respondents;
3. The respondents are directed to issue show cause notice setting out the facts in detail within a period of four weeks from the date of receipt of a copy of this order and the petitioner would be at liberty to submit his/her explanation / objections within a period of four weeks from the date of receipt of the show cause notice and thereafter the respondents are directed to pass orders in accordance with law after consideration of objections, if any, on merits. No costs.

27.02.2024

Index : Yes/No
Speaking order/Non-speaking order
dpq



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To

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D. BHARATHA CHAKRAVARTHY, J.

dpq

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