



WEB COPY



W.P.No.9992 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9992 of 2022
and W.M.P.Nos.9697 and 9698 of 2022

N.Jayanthi

.. Petitioner

Versus

1. The Director,
Elementary School Education,
DPI Campus,
Chennai - 600 006.
2. The District Educational Officer,
Thanjavur District.
3. Block Educational Officer,
Thanjavur District.
4. The Senior Accounts Officer,
Office of the Accountant General, (A&E),
361, Anna Salai, Teynampet,
Chennai - 600 018.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus to call for the records of the fourth respondent in Pen 16/3/Appln.No.11627957/31, dated 16.04.2021 and the consequential order of the third respondent in Na.Ka.No.36/2021/A1, dated 04.03.2022, quash the same, consequently direct the respondents to continue to pay the pension of the petitioner as originally fixed without any re-fixation or recovery.



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For Petitioner : Mrs.Suneetha

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader,
for RR-1 to 3

: Mr.P.Manorajan,
Standing Counsel for R4

ORDER

This Writ Petition is filed challenging the order, dated 16.04.2021.

By the said order, the services rendered by the petitioner in the post of PSHM is considered and the pay was ordered to be downwardly revised to the petitioner.

2. It can be seen that the impugned order has been passed without issuing of show-cause notice and without affording any opportunity to the petitioner. When the impugned order visits the petitioner with civil consequences, the same cannot be passed without affording an opportunity to the petitioner. The learned Special Government Pleader for the respondent Nos.1 to 4, though would sought to justify the order on merits, cannot point out even from the reference of the impugned order that any show-cause notice has been issued. It is the specific case of the petitioner



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that no opportunity has been given to the petitioner before passing of the impugned order.

3. In view thereof, this Writ Petition is disposed of on the following terms :-

(i) The impugned order, dated 16.04.2021 shall stand quashed;

(ii) The respondents will be at liberty to carry out the exercise afresh by issuing a show-cause notice to the petitioner and if and when such show-cause notice is issued, the petitioner can raise all the objections that are raised in the Writ Petition as well as the other objections;

(iii) If and when such objections are raised, the respondents shall consider the same objectively and shall pass orders afresh;

(iv) There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.06.2024

Neutral Citation : no
grs

To

1. The Director,



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D.BHARATHA CHAKRAVARTHY, J.

grs

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