



WEB COPY

W.P.No.9334 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

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

W.P.No.9334 of 2024
and WMP.No.10352 of 2024

C. Kandasamy

... Petitioner

-Vs-

1. The Deputy Commissioner of Police
Police Headquarters
Salem City, Salem 636 001.

2. The Administrative Officer,
District Police Office,
Salem City, Salem 636 002.

3. The Treasury Officer
The District Treasury
Salem District, Salem 637 001.

... 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 on the file of the 1st respondent in Ma.Aa.No.458 / 2023 Na.Ka.No.B2/020205/291/2023 dated 05.06.2023 to quash the same and consequently direct the respondents to reimburse the total deducted amount of Rs.86,004/- (Rupees Eighty Six Thousand and Four Only) from July 2023 till this date made from the petitioner's salary based on the impugned order.



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For Petitioner : Mr.M.Deivanandam

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned order dated 05.06.2023. The impugned order downwardly revised the pay of the petitioner and orders recovery.

2. The learned counsel for the petitioner submitted that the pay originally fixed was correct and in any event in view of the judgment of the Hon'ble Supreme Court of India in the case of ***State of Punjab and Ors., Vs. Rafiq Masih*** recovery cannot be resorted.

3. Mr. Stalin, learned Additional Government Pleader takes notice on behalf of the respondents. For a query of this Court as to whether any show cause notice has been issued or not, the learned Additional Government Pleader is not in a position to point out that any show cause notice has been issued and in the impugned order also no such show cause has been reflected. A specific averment is made that no show cause has been issued prior to the order

4. In view thereof the writ petition is disposed of with the following terms.



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1. The impugned order passed by the 1st respondent in Ma.Aa.No.458 /

2023 Na.Ka.No.B2/020205/291/2023 dated 05.06.2023 is quashed.

2. The respondents will be at liberty to issue a fresh show cause notice and give an opportunity to the petitioner and proceed again.

5. With the above directions, the writ petition is disposed of. Consequently, connected miscellaneous petitions are also closed. No costs. Consequently connected miscellaneous petition is also closed.

08.04.2024

Index : Yes/No

Speaking order/Non-speaking order
dpq

To

1. The Deputy Commissioner of Police
Police Headquarters
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District Police Office,
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D. BHARATHA CHAKRAVARTHY, J.

dpq

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