IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

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THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP.Nos.9214 & 9223 of 2020
and
WMP.Nos.11239, 11241, 18539, 11248, 11249 & 18537 of 2020

K.Sundararaman
... Petitioner in WP.No.9214/2020

K.Muthaiyan
... Petitioner in WP.No.9223/2020

Vs.

1. The Commissioner of Treasuries & Accounts,
   Integrated Complex for Finance Department,
   Teynampet, Chennai.
2. The Assistant Treasury Officer,
   Sub Treasury,
   Alandur, Chennai.

... Respondents in both WPs.

Common Prayer: Writ Petitions filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order issued by the 2nd respondent in proceeding Na.Ka.No. 42 / 2020 / A1 dated 02.03.2020 and quash the same and consequently direct the respondents to repay the amount already recovered.

For Petitioner
in both WPs. : Mr.R.Prem Narayan

For Respondents
in both WPs : Mr.A.M.Ayyadurai
Government Advocate for R1 & R2
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COMMON ORDER

The instant two writ petitions have been filed challenging the recovery order dated 02.03.2020.

2. The learned counsel for the writ petitioner has taken this Court to various Government Orders, and the issue in respect of appointment of Pay Grievance Redressal Commission, and its report, and the subsequent passing of Government Order in G.O.Ms.No.401, Finance (Pay Cell) Department dated 12.11.2020, and the challenge in respect of the above Government Order. But the point, which is urged by the learned counsel for the petitioner that, no notice was issued prior to the issuance of the impugned order dated 02.03.2020, impulse this Court, to set aside the said recovery order without going into the merits of the matter.

3. It is pertinent to mention here that, had there been a notice to the petitioner, he would have explained the ground, which has been urged before this Court and the Authority could have taken effective decision, on hearing the grievance of the petitioner. Whereas, in the case in hand such option was not provided to the petitioner. Therefore, this Court is of the view that the respondents did not follow the principles of natural justice, thereby, the impugned order is liable to be set aside, with a direction to the respondent to issue a notice to the petitioner before passing any final order.

4. In the result, these writ petitions are allowed and the impugned order dated 02.03.2020 is set aside with a direction to the respondents to issue notice to the petitioner about their proposal for the alleged recovery and after calling upon the explanation, the respondents are directed to dispose of the same in accordance with law and according to applicable Rules within a reasonable time. No costs. Consequently, connected WMPs are also closed.

19.10.2024

kmi
Index : Yes /No
Speaking order/Non Speaking Order
Neutral Citation : Yes/No

C.KUMARAPPAN, J.

kmi

To
1. The Commissioner of Treasuries & Accounts,
   Integrated Complex for Finance Department,
   Teynampet, Chennai.

2. The Assistant Treasury Officer,
   Sub Treasury,
   Alandur, Chennai.

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