



W.P.No.10012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10012 of 2024
and W.M.P.Nos.11023, 11024 and 11025 of 2024

C.Kandaswamy

.. Petitioner

Versus

1. The Directorate of Technical Education,
Rep. by its Commissioner (DOTE),
Guindy, Chennai - 600 025.

2. The Principal Accountant General (A&E),
No.361, Anna Salai,
Teynampet, Chennai - 600 018.

3. Sri Krishna Polytechnic College,
(Government Aided College),
Rep. by its Principal,
Kovaipudur,
Coimbatore - 641 042.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 1st respondent, dated 23.08.2023 in A.Thi.Mu.Kaditha En:26755/S1/2023 and the order of the 3rd respondent, dated 13.10.2023 in Office letter No.943/Administration/2023 and quash the



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same and consequently, direct the respondents to forthwith pay the pension and death-cum-retirement and gratuity benefits to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.P.Kumaravel,
Additional Government Pleader,
for R1

: Mr.P.Manorajan, for R2

ORDER

This Writ Petition challenges the impugned order of the first respondent, dated 23.08.2023 and the consequential order of the third respondent, 13.10.2023. It can be seen that by the impugned order, the petitioner's pay has been downwardly revised.

2. *Mr.K..Selvaraj*, learned Counsel for the petitioner submits that the petitioner was not given any opportunity of hearing. His pay was correctly fixed. In any event, when the pay has been made from the year 2008 onwards, now, belatedly, recovery cannot be made.

3. *Mr.P.Kumaravel*, learned Additional Government Pleader for the first respondent would submit that only after seeking proper clarification,



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the impugned order has been passed and the petitioner's salary has been wrongfully fixed and the mistake is liable to be corrected.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. No show-cause notice whatsoever has been issued prior to the passing of the impugned order of the first respondent and no opportunity was given to the petitioner. The petitioner's pay cannot be downwardly fixed and recovery cannot be ordered without affording an opportunity to the petitioner for hearing.

6. In that view of the matter, this Writ Petition is disposed of on the following terms :-

(i) The impugned order of the first respondent, dated 23.08.2023 and the consequential order of the third respondent, dated 13.10.2023 shall stand quashed;



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(ii) The first respondent will be entitled to issue show-cause notice to the petitioner afresh and after hearing the petitioner, shall take a decision in the matter;

(iii) It would be open for the petitioner to take all such contentions, including the contention that the recovery cannot be made at this belated point of time, to the first respondent and it is for the first respondent to consider the same and pass orders thereon;

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

12.04.2024

Index : yes
Speaking order
Neutral Citation : no
grs

To

1. The Commissioner (DOTE),
The Directorate of Technical Education,
Guindy, Chennai - 600 025.
2. The Principal Accountant General (A&E),
No.361, Anna Salai,
Teynampet, Chennai - 600 018.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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