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W.P.No.12853 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12853 of 2024
and W.M.P.Nos.14027 and 14028 of 2024

A.Murugesan

.. Petitioner

Versus

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.
 2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
 3. The District Educational Officer,
Namakkal Education District,
Namakkal District.
 4. The Block Educational Officer,
Rasipuram Block,
Rasipuram,
Namakkal District.
 5. The Principal Accountant General (Tamil Nadu),
O/o. The Principal Accountant General,
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai - 600 018.
- .. Respondents



W.P.No.12853 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 4th respondent in Na.Ka.No.1130/A1/2023, dated 12.12.2023 and to quash the same and consequently, direct the respondents to pay the earned leave salary/leave surrender pay to the petitioner, to which the petitioner is entitled for, along with interest at the reasonable rate from the date of retirement on 31.05.2022 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran,
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader,
for RR-1 to 4

: Mr.P.Manorajan, for R5

ORDER

This Writ Petition is filed challenging the impugned order, dated 12.12.2023, in and by which, the petitioner's pay has been downwardly revised and the excess amount paid is ordered to be recovered from the petitioner.

2. When the matter was taken up for hearing, the matter was passed over for the learned Special Government Pleader for the respondent Nos.1 to 4 to get instructions as to whether any show-cause notice was issued and whether any opportunity was given to the petitioner. When the matter is



W.P.No.12853 of 2024

WEB COPY

taken up again in the afternoon session, the learned Special Government Pleader submits that no show-cause notice was issued prior to passing of the impugned order. Since the impugned order visits the petitioner with civil consequences, the same could not have been passed without issuing a show-cause notice and affording an opportunity for hearing the petitioner and objectively considering his objections, if any, to the proposal.

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

- (i) The impugned order, dated 12.12.2023 shall stand quashed;
- (ii) However, the respondents will be at liberty to issue a fresh show-cause notice in respect of the same subject matter and decide the matter afresh;
- (iii) If the respondents choose to issue a show-cause notice, the petitioner will be at liberty to raise all the contentions including the contentions raised in this Writ Petition and the respondents shall objectively consider the same in accordance with the law on its own merits;
- (iv) It is stated that the earned leave amount has been withheld because of the present proceedings. Therefore, if the respondents choose to



W.P.No.12853 of 2024

WEB COPY

issue a show-cause notice, they shall issue the same within four weeks from the date of receipt of a copy of this order. If the show-cause notice is not issued within the said period and the proceedings are not concluded within two months thereafter, the entire amount which is pending shall be released to the petitioner;

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

03.06.2024

Neutral Citation : no
grs

To

1. The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The District Educational Officer,
Namakkal Education District,
Namakkal District.
4. The Block Educational Officer,
Rasipuram Block,



W.P.No.12853 of 2024

WEB COPY
Rasipuram,
Namakkal District.

5. The Principal Accountant General (Tamil Nadu),
O/o. The Principal Accountant General,
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WEB COPY



W.P.No.12853 of 2024

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