



W.P.No.14941 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

CORAM

THE HON'BLE MR. JUSTICE **BATTU DEVANAND**

W.P.No.14941 of 2018
and WMP.No.17676 of 2018

A.Radha

... Petitioner

Vs.

1. The Joint Director of Agriculture,
Vellore-2, Vellore District.
2. The Assistant Director of Agriculture,
Madhanur, Vellore District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in E2/15229/12, dated 02.04.2018 and the impugned order of the second respondent in No.A/5/2018 dated 02.05.2018 and quash the said orders and direct the respondents to refund the amount recovered from the petitioner.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.M.Alagu Gowtham



ORDER

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Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

2. The learned counsel for the petitioner submits that the respondents issued impugned orders erroneously to deduct the amount of Rs.2,17,623/- in 10 equal installments from the monthly salary of the petitioner. He further submits that without issuing any notice to the petitioner the order of recovery has been passed, which is in violation of principles of natural justice and sought to set aside the same by allowing the Writ Petition.

3. Mr.S.Velu, Agricultural Officer, Assistant Director of Agriculture (i/c) / second respondent appeared in person before this Court and produced connected records.

4. The learned Government Advocate basing on the said records submitted that before passing the impugned order dated 02.05.2018, no notice was issued to the petitioner.



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5. In view of the fact that no notice was issued before passing the impugned order, this Court is of the considered opinion that without going into the merits of the case, this Court Writ Petition can be allowed by setting aside the impugned order dated 02.05.2018 as it is in violation of principles of natural justice.

6. Accordingly, this Writ Petition is allowed and the order impugned in this Writ Petition is hereby set aside. However, it is open to the respondents to issue show cause notice to the petitioner seeking for explanation and thereafter pass orders afresh if so advised.

No costs.

Consequently, connected miscellaneous petition is closed.

14.10.2024

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

pvs



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To

1. The Joint Director of Agriculture,
Vellore-2, Vellore District.
2. The Assistant Director of Agriculture,
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BATTU DEVANAND.J.,
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