



WEB COPY



W.P.No.14928 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14928 of 2024
and WMP.No.16201 of 2024

M. Selvam

... Petitioner

Versus

1. The Assistant Commissioner
Civil Supplies and Consumer Protection
Department,
Villivakkam Zone, Chennai 600 049.

2. The Assistant Commissioner,
Civil Supplies and Consumer Protection Department,
R.K.Nagar Zone, Hill Nagar,
Tsunami Quarters, Tondiarpet,
Chennai 600 081.

... 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 pertaining to the proceedings Na.Ka.No.A1/897/2020, dated 15.03.2024 passed by the first respondent and quash the same and



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consequently direct the first respondent to return the recovered amount pursuant to the above impugned order.

For Petitioner : Mr.J.Nagarajan

For Respondents : Mr.Stalin Abimanyu
Addl. Government Pleader for R1 & R2

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings Na.Ka.No.A1/897/2020, dated 15.03.2024 passed by the first respondent and quash the same and consequently direct the first respondent to return the recovered amount pursuant to the above impugned order.

2. The petitioner has challenged the impugned order dated 15.03.2024 passed by the first respondent, in and by which the petitioner's pay was downwardly revised from Rs.45,300 to Rs.36,900/- and a sum of Rs.1,82,929/- paid in excess was ordered to be recovered from the petitioner's salary. On a perusal of the impugned order, it can be seen that



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objection is now being taken for fixation with effect from 01.06.2009.

Further, it can be seen from the records that before undertaking the said exercise, absolutely no show cause notice whatsoever has been issued to the petitioner. Since the impugned order visits the petitioner with civil consequences, the same cannot be passed without affording an opportunity to the petitioner and without hearing the petitioner.

3. Even though, the matter is posted today only for admission, the learned Additional Government Pleader who takes notice for the respondents 1 & 2 submits that he is also not in a position to assert whether any show cause notice has been issued to the petitioner. On a perusal of the reference made in the impugned order, it does not reflect any show cause notice issued to the petitioner. The petitioner has made specific averments that no show cause notice has been issued to him before passing of an order. In view thereof, the writ petition is disposed of on the following terms:

1. The impugned order Na.Ka.No.A1/897/2020 dated 15.03.2024 passed by the first respondent shall stand quashed.



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2. However, the respondents are at liberty to carry out the exercise afresh by issuing a show cause notice to the petitioner and also by affording an opportunity of personal hearing and pass a fresh order thereafter. No costs. Consequently, connected miscellaneous petition is also closed.

10.06.2024

Neutral Citation : yes/no
dpq



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D. BHARATHA CHAKRAVARTHY, J.

dpq

To

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Civil Supplies and Consumer Protection
Department,
Villivakkam Zone, Chennai 600 049.
2. The Assistant Commissioner,
Civil Supplies and Consumer Protection Department,
R.K.Nagar Zone, Hill Nagar,
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