



W.P.(MD).No.7862 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7862 of 2024

and

W.M.P(MD) Nos.7154, 7155 and 11180 of 2024

B.Dhilip Kumar

Vs.

... Petitioner

1. The Director,
Department of Public Health and
Preventive Medicine,
Chennai.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.
3. The Internal Audit Party,
Office of the Director of Public
Health and Preventive Medicine,
Chennai.
4. The Deputy Director of Health Services,
Paramakudi,
Ramanathapuram District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the order dated 08.09.2023 and consequential order dated 04.03.2024 passed by the fourth respondent in her proceedings Na.Ka.No.5459055/ 4/2023 and quash the same.

For Petitioner : Mr.Ramanujam
for M/s.Gandhi Associates

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The instant Writ Petition has been filed by a District Extension Educator at Development Section, Ramanathapuram District Collector Office, Ramanathapuram District, challenging the order passed by the fourth respondent herein on 08.09.2023 and on 04.03.2024, communicating the audit objections and directing him to deposit certain amount.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was granted leprosy allowance and special pay scale as per the Government Orders prevailing then. The leprosy allowance was released to him from the year 2014 onwards. The special pay has been conferred upon



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him from the year 1998 onwards. Suddenly, in the year 2023, under the impugned order, relying upon two audit objections, a sum of Rs.17,658/- and another sum of Rs.1,29,700/- are sought to be recovered on the ground that the petitioner is not entitled to receive the same. By way of an order, dated 04.03.2024, the Deputy Director had informed the District Collector that if the amounts are deposited, the audit objection would be deleted. Both these orders are put to challenge in the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, the orders have been passed without giving any opportunity to the writ petitioner to put forth his objections relating to the audit objections raised by the concerned Department.

4. Per contra, the learned Government Advocate appearing for the respondents herein relying upon the counter had contended that the petitioner is not entitled to receive the leprosy allowance, once he has been re-designated as Health Inspector. Hence, he prayed for dismissal of the writ petition.



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5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. As rightly contended by the writ petitioner, the orders impugned in the writ petition have been passed for recovery of the amount, based on the audit objection without providing opportunity to the writ petitioner. Therefore, the orders impugned in the writ petition are set aside and the matter is remitted back to the file of the fourth respondent herein. The petitioner has already received a copy of the audit objections along with the impugned order dated 04.03.2024. Therefore, the petitioner is directed to submit his objections within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said objections, the fourth respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of eight weeks thereafter.



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7. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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