



W.P.(MD)No.11038 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.11038 of 2022

and

W.M.P(MD)Nos.7936 & 16158 of 2022

B.Shahul Hameed

... Petitioner

Vs

- 1.The Treasury Officer,
Office of the District Treasury,
Sivagangai,
Sivagangai District.
- 2.The Regional Joint Director,
Treasury of Accounts,
Collectorate Building,
Madurai.
- 3.The Accountant General,
Office of the Accountant General,
361, Anna Salai, Chennai – 600 018.
- 4.The Principal,
Raja Duraisingam Government Arts College,
Sivagangai – 630 561,
Sivagangai District.
- 5.The Director,
Collegiate Education Tamilnadu,
College Road,
Chennai – 600 006.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records in impugned orders of the 1st respondent in Na.Ka.125/2022/G1-1 dated 13.01.2022 and Na.Ka.No.1508/2022/G1 dated 01.04.2022 and quash the same as Arbitrary illegal without authority of Law and Violative of Principles of natural justice and without jurisdiction and direct the 1st respondent to refund the recovered amount already made from the pension of the petitioner.

For Petitioner : Mr.N.Tamilmani

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R1, R2, R4 and R5
Mr.P.Gunasekaran for R3

* * * * *

ORDER

The instant writ petition has been filed by the retired Lecturer(Selection Grade) in Chemistry Department, challenging the order passed by the first respondent herein, wherein a sum of Rs.33,38,621/- is sought to be recovered on the ground that his grade pay has been erroneously fixed while he was in service.

2.A perusal of the impugned order reveals that the said order has been passed without issuing a notice or calling for explanation from the writ petitioner. The order is in the violation of the principles of natural justice and



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therefore, the same is liable to be set aside.

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3.The order impugned in the writ petition is hereby set aside and the matter is remitted back to the file of the first respondent herein. The first respondent is directed to issue a notice to the writ petitioner and after affording opportunity to the writ petitioner, he is at liberty to pass orders.

4.With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

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