



WP(MD) No.11485 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11485 of 2024
and
W.M.P(MD)Nos.10232 & 10235 of 2024

C.Kamal

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai – 600 009.
 - 2.The Commissioner of Treasuries and Accounts,
3rd Floor, Perasiriyar K.Anbazhagan, Maaligai,
571, Anna Salai, Nandanam, Chennai – 35.
 - 3.The Engineer in Chief and Chief Engineer (General),
Public Works Department, Chennai - 05.
 - 4.The Superintendent Engineer
Building Construction and Maintenance Circle,
Public Works Department,
Trichy - 01.
 - 5.The Executive Engineer (Electrical),
PWD Electrical Division,
Trichy - 01.
- ...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 vide letter number S.1(2)/009481/2024 dated 18.03.2024 on the file of 3rd respondent and the consequential proceedings vide number Se.Mu.Aanai.No.Ko.3325/2023/Niye.1/2024 dated 17.04.2024 on the file of the fourth respondent and quash the same.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : Mr. S.Shanmugavels
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking for a Writ of Certiorari to quash the impugned letter number S.1(2)/ 009481/2024, dated 18.03.2024 on the file of 3rd respondent and the consequential proceedings vide number Se.Mu.Aanai.No.Ko.3325/2023/Niye.1/2024 dated 17.04.2024 on the file of the fourth respondent.

2. Heard Mr.Aayiram K.Selvakumar, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.



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3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. In the impugned order, dated 18.03.2024, it is stated that some 118 Assistant Engineers have been given with additional charge allowance which ought not to have been issued in accordance with the audit objections raised on 08.09.2022. Consequent to the same, the fourth respondent issued a direction to the fifth respondent to recover the additional charge allowance from the employees concerned vide order dated 17.04.2024.

5. The impugned orders have been simply passed without even making the aggrieved to know what is the audit objection and how it is considered by the first respondent as a valid objection. Whenever an audit objection is made regarding any of the monetary benefits given to the employees, it is obligatory on the part of the employer or the pay drawing authorities to give an explanation as to how the sanction is in accordance with the rules. But it is surprising to see every audit objection is resulted in knee jerk action of recovery without giving any



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notice to the employees, who will be affected by the issuance of sudden recovery order and hence, I feel that the impugned orders are liable to be set aside.

6. In the result, this writ petition is **allowed** and the impugned orders, dated 18.03.2024 on the file of the third respondent and 17.04.2024 on the file of the fourth respondent are set aside and the first respondent is directed to give clarification to the audit objection and to discharge his duty as to how the audit objection is ruled out. In case, if the first respondent is satisfied himself that the audit objection holds good, then he has to issue notice to the employees for whose benefit the earlier additional charge allowance has been remitted and give them opportunity to make their submissions and then pass orders. No costs. Consequently, connected miscellaneous petitions are closed.

02.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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R.N.MANJULA, J.

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