



WP(MD) No.11991 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11991 of 2024

and

W.M.P(MD)Nos.10673 & 10674 of 2024

B.Tamilselvi

... 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.Anbzhagan, Maaligai,
571, Anna Salai,
Nandanam,
Chennai – 35.



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3.The Engineer in Chief and Chief Engineer (General),
Public Works Department,
Chennai - 05.

4.The Chief Engineer
Public Works Department,
Trichy Region,
Trichy - 01.

5.The Superintendent Engineer
Building Construction and Maintenance Circle,
Public Works Department,
Madurai - 02.

6.The Executive Engineer (Electrical),
PWD Electrical Division,
Madurai - 02.

...Respondents

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 quash the same.



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For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : Mr. M.Lingadurai,

Special 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.

2. Heard Mr.Aayiram K.Selvakumar, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

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



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that 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 by the second respondent.

5. The impugned order has 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 audit objections are made to any of the monetary benefit given to the employees, it is obligatory on the part of the employer or pay drawing authorities to give an explanation as to how the sanction done already is not in accordance with the rules. But it is disheartening to see every audit objection is resulted in knee-jerk order for recovery without even giving any notice to the affected employees. As the recovery order has been issued without notice to the petitioner, without affording him an opportunity to make his submission and hence, I feel the impugned order is liable to be set aside.



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

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Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.11991 of 2024

Dated:
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