



WP(MD) No.13205 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13205 of 2024
and
W.M.P(MD)No.11684 of 2024

P.Daisy Vijayarani

... Petitioner

Vs.

1.The Chief Educational Officer

O/o.The Chief Educational Office,
Trichy,
Trichy District.

2.The District Educational Officer, (Elementary School),

O/o.The District Educational Office,
Musiri,
Trichy District.



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3.The Block Educational Officer

O/o.The Block Educational Officer,
Uppliyapuram,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in ந.க.எண்.619/அ2/2023 dated 22.04.2024 in so far as cancellation of Incentive Increment granted to the petitioner w.e.f. 17.02.2012 for acquiring M.A.(Economics) is concerned and quash the same as illegal.

For Petitioner : Mr.A.Nawazkhan

for M/s.Ajmal Associates

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ



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of Certiorari to quash the impugned order passed by the 3rd respondent in his proceedings in ந.க.எண்.619/அ2/2023, dated 22.04.2024, as illegal.

2. Heard Mr.A.Nawazkhan, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing 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. The petitioner has filed this writ petition challenging the order of the third respondent, dated 22.04.2024 through which the incentive increment already given to the petitioner has been cancelled and the incentives so far allowed were ordered to be recovered.



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5. The learned counsel for the petitioner submitted that the order has been passed without any notice to the petitioner and that there is no default on the part of the petitioner or any suppression of material facts from her side in respect of the alleged excess payment.

6. The petitioner asserts that she is entitled to incentive increment.

7. Even for any extraneous reasons, the petitioner is not entitled to incentive increment as claimed by the respondents the petitioner ought to have been given with the notice prior to passing any order for recovery. Further, the recovery cannot also be made when there is no fault on the side of the petitioner and the order for incentive increment was given for any omission or commission on the part of the respondents.



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8. In view of the above stated reasons, the writ petition is allowed and the impugned order of the third respondent, dated 22.04.2024 is set aside. However, it is up to the respondents to issue a show cause notice to the petitioner, by giving an opportunity to make a representation and then pass orders afresh, in the light of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2024

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

RM

To

Sankar Jiwal, IPS
Director General of Police,
27W7+2XH, Dr.Radhakrishnan Salai Road,
Mylapore,
Chennai – 600 004.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.13205 of 2024

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