



W.P.(MD).No.19850 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19850 of 2024

and

W.M.P(MD) No.16822 of 2024

N.Rajendran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Public (Ex-Service Man Welfare) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director,
Directorate of Ex-Servicemen's Welfare,
No.22, Rajah Muthiah Salai,
Chennai – 600 003.

3. The District Treasury Officer,
Theni District,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the
records on the file of the second respondent vide Na.Ka.No.5526/2020/Nir3,



W.P.(MD).No.19850 of 2024

dated 13.02.2024 to the third respondent and subsequent show cause notice issued by the second respondent vide Na.Ka.No.5526/2020/Nir3 dated 13.02.2024 to the petitioner and quash the same as illegal and as devoid of merits and direct the respondent to award the petitioner's second and subsequent increments as per due dates and other attendant monetary and service benefits.

For Petitioner : Mr.Raja. Karthikeyan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present Writ Petition has been filed by a retired Assistant Director of the Public (Ex-service men Welfare) Department, challenging a show cause notice dated 13.02.2024, calling upon the writ petitioner as to why certain amount should not be deducted from his pensionary benefits and the second respondent has addressed a communication to the third respondent directing him to retain a sum of Rs.1,83,909/- (Rupees One Lakh Eighty Three Thousand and Nine Hundred and Nine Only). Therefore, the grievance of the writ petitioner is that on the same day, a show cause notice and an order of recovery have been passed by the second respondent herein.



W.P.(MD).No.19850 of 2024

WEB COPY

2. Considering the fact that an order of recovery as well as the show cause notice have been issued on the same day, the order of recovery dated 13.02.2024 in Na.Ka.No.5526/2020/Nir3 stands set aside. The writ petitioner is directed to submit his objections to the show cause notice issued by the second respondent on 13.02.2024, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objection or non-receipt of any objection within a period of two weeks from the date of receipt of a copy of this order, the second respondent is entitled to proceed in accordance with law.

3. With the above said observation, this Writ Petition stands partly allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

20.08.2024

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



WEB COPY



W.P.(MD).No.19850 of 2024

To

1. The Secretary,
Public (Ex-Service Man Welfare) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director,
Directorate of Ex-Servicemen's Welfare,
No.22, Rajah Muthiah Salai,
Chennai – 600 003.
3. The District Treasury Officer,
Theni District,
Theni.



WEB COPY



W.P.(MD).No.19850 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.19850 of 2024

20.08.2024