



WEB COPY



W.P(MD).No.1299 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1299 of 2017

and

W.M.P.(MD)Nos.1081 and 2779 of 2017

T.Ebanezar

... Petitioner

-VS-

1.The District Elementary Educational Officer,
Tirunelveli District.

2.The Assistant Elementary Educational Officer,
Radhapuram,
Tirunelveli District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.657/A1/2016 dated 14.09.2016 and quash the same.

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.P.T.Thiraviyam
Government Advocate

ORDER

The present writ petition has been filed by the petitioner/ BT Assistant, challenging the order passed by the second respondent herein,



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wherein the pay scale of the petitioner has been revised and an order of recovery for a sum of Rs.92,911/- has been issued.

2. According to the learned counsel for the writ petitioner, the order impugned in this writ petition has been issued on the basis of an audit objection raised on 24.08.2016. However, copy of the said audit objection was not furnished to the writ petitioner. That apart, prior to the passing of the impugned order, the petitioner was not put on notice or any explanation was sought for from him.

3. Considering the above said facts, the order impugned in this writ petition is set aside and the matter is remitted to the file of the second respondent herein for passing fresh orders on merits and in accordance with law. The second respondent herein is directed to furnish a copy of the audit objection raised on 24.08.2016 to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to submit his objection/explanation to the said audit objection within a period of two weeks thereafter. On receipt of the said explanation/objection, the second respondent is directed to pass orders afresh within a period of four weeks therefrom.



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4. With the above directions, this writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

02.02.2024

Index : Yes / No

Internet : Yes / No

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To

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R.VIJAYAKUMAR,J.

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