



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

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CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.2179 of 2014
and
M.P.Nos.1, 2 & 3 of 2014

1.D.Ravi

2.K.Murthy

3.R.Kannan

... Petitioners

Vs.

The Joint Director of Horticulture,
Udhagamandalam,
Nilgiris District.

... Respondents

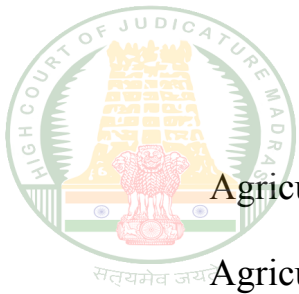
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order issued by the respondent in proceeding Se.Mu.No. A1/11046/2013 dated 09.11.2013 and quash the same and consequently direct the respondents to continue all the increments as per the original fixation.

For Petitioners : R. Prem Narayan

For Respondent : Mr.K.H.Ravikumar
Government Advocate.

ORDER

All the petitioners herein were initially appointed as Assistant



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Agricultural Officers and thereafter, they were all promoted as Deputy Agricultural Officers in the year 2008. While they were working as Deputy Agricultural Officers, they were granted increments for the service rendered by them. However, the said increments that were granted in favour of the petitioners were withdrawn by passing impugned proceedings on the ground that the petitioners failed to pass the departmental test and therefore, they are not eligible for second and subsequent increments. Therefore, while withdrawing the increments, the amounts that were already paid to the petitioners were sought to be recovered.

2. The learned counsel for the petitioners submitted that certain amounts were already recovered from the petitioners at the time of their retirement from the terminal benefits payable to them.

3. From the perusal of the records disclose that this Court, by an order dated 27.01.2014, granted interim stay in respect of the recovery of the amount that has already been paid to the petitioners. The said interim order is still in operation. The petitioners challenged the impugned proceedings mainly on the ground of violation of principles of natural justice. On perusal of the impugned order, it does not disclose of any opportunity afforded to the



petitioners before issuing the same.

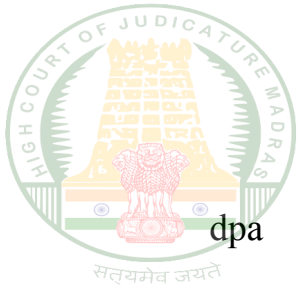
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4. Though the respondent filed counter affidavit, there is nothing placed on record to indicate that the petitioners were afforded any opportunity before issuing the impugned proceedings.

5. In the circumstances, the impugned order is liable to be set aside solely on the ground of violation of principles of natural justice. In the circumstances, this court is not inclined to go into the merits of the case and accordingly, the impugned proceedings are quashed solely on the ground of violation of principles of natural justice and the matter is remanded back to the respondent for passing appropriate orders by following due process of law. The amounts that were already recovered from the petitioners from the terminal benefits shall be subject to the result of the order to be passed by the respondent pursuant to this order.

6. Accordingly, this writ petition is disposed of. No costs. Connected miscellaneous petitions, if any, shall stand closed.

17.06.2025



W.P.No.2179 of



dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

The Joint Director of Horticulture,
Udhagamandalam,
Nilgiris District.

MUMMINENI SUDHEER KUMAR, J.

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W.P.No.2179 of



W.P.No.2179 of 2014

17.06.2025