

W.P.(MD)No.3338 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.3338 of 2021

and

W.M.P.(MD).No.2686 of 2021 and 1836 of 2022

N.Sathiyadas

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Complex,
College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Kanyakumari District,
at Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent pertaining to its proceedings bearing Na.Ka.No. 6251/A2/18 dated 17.11.2020 and the subsequent proceedings bearing Na.Ka. No.6251/A2/18 dated 27.01.2021 and to quash the same and consequently directing the respondents to pay the salary on par with his junior within a time frame that may be fixed by this Court.



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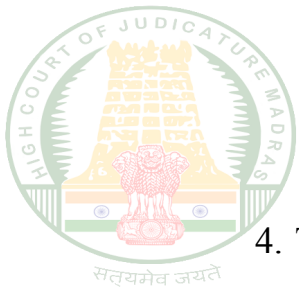
For Petitioner : Mr.S.C.Herold Singh

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

ORDER

This Writ Petition has been filed challenging the impugned orders passed by the second respondent dated 17.11.2020 and 27.01.2021 respectively. Under the impugned orders, the respondents have stated that by inadvertence, the petitioner was granted two incentive increments for B.Ed., and M.A., respectively, on 02.02.1991 and 23.06.1996. Therefore, under the impugned orders, the respondents have directed the petitioner to refund the same together with interest.

3. The petitioner has challenged the impugned orders on the ground of violation of principles of natural justice and further on the ground that they are non-speaking orders. The petitioner has contended that, prior to the passing of the impugned orders, no notice was issued to the petitioner calling for an explanation. The petitioner categorically contends that he is not liable to refund the amounts as demanded under the impugned orders. He would further submit that the recovery sought for by the respondents under the impugned orders is arbitrary, illegal and not in accordance with law.



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4. The counter-affidavit has also been filed by the second respondent on behalf of the respondents before this Court, denying the contentions of the petitioner.

5. However, it is an admitted fact that the petitioner was not served with any notice by the respondents prior to the passing of the impugned orders. The petitioner has also retired from service. As seen from the various correspondence exchanged between the petitioner and the respondents, the petitioner has disputed his liability to refund the amounts as demanded under the impugned orders and he has also given reasons as to why he is not liable to refund the amounts. However, the contentions raised by the petitioner in the said correspondence made by the petitioner with the respondents have not been considered by the respondents in the impugned orders. No opportunity was granted to the petitioner to submit his explanation prior to the passing of the impugned orders. Admittedly, the incentive increments, which according to the respondents were paid to the petitioner pertains to 02.02.1991 and 23.06.1996 respectively. The impugned orders came to be passed only after the petitioner's retirement from service. Therefore, it is clear that the respondents have not adhered to the principles of natural justice by granting an opportunity to the petitioner to submit his explanation prior to passing of the impugned orders



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calling upon the petitioner to refund the excess amount alleged to have been

paid to the petitioner with regard to incentive increments to the petitioner on 02.02.1991 and on 23.06.1996. Since the contentions of the petitioner have not been considered under the impugned orders and he has not been provided with an opportunity to submit his explanation prior to the passing of the impugned orders, this Court is of the considered view that the impugned orders have been passed in violation of principles of natural justice and they are non-speaking orders.

6. For the foregoing reasons, this Court is of the considered view that the impugned orders have to be quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law after giving an opportunity to the petitioner to submit his explanation within a time frame to be fixed by this Court. The impugned orders are treated as show cause notices issued to the petitioner and the petitioner shall submit his reply to the same within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said reply within the stipulated time, the second respondent shall pass final orders on merits and in accordance with law within a period of eight weeks thereafter.



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WEB COPY 7. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

08.09.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Director of Elementary Education,
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College Road,
Chennai-600 006.

- 2.The Chief Educational Officer,
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ABDUL QUDDHOSE, J.

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