



W.P(MD)No.18265 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18265 of 2025

and

WMP (MD) Nos.14015, 14016 and 16472 of 2025

A.Syed Mohamad Sadhuli

... Petitioner

vs.

1. The Director of Public Health and Preventive Medicine,
O/o. the Director of Public Health and Preventive Medicine,
DMS Complex,
Chennai - 600006.

2. The District Health Officer,
Madurai District,
Madurai..

3. The Block Medical Officer,
Government Primary Health Centre,
Samayanallur, Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned orders passed by the third respondent in Na.Ka.No. 432/A1/2025 dated 21.05.2025 and consequential order passed by the 3rd



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Respondent in Proc.No. 432/A1/2025 dated 22.05.2025 and quash the same and to direct the Respondents herein to disburse the entire retirement and pensionary benefits without any deduction or recovery within a stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.K.Balasubramani
Spl. Government Pleader

ORDER

This writ petition has been filed challenging the impugned recovery order dated 21.05.2025 passed by the third respondent and the consequential order dated 22.05.2023, whereby the petitioner's scale of pay has been revised retrospectively with effect from 01.08.1998 and to direct the respondents to disburse the entire retirement and pensionary benefits without any deduction or recovery, within a time frame to be fixed by this Court.

2. The learned counsel for the petitioner submits that the petitioner was initially appointed as a Leprosy Inspector on 09.03.1986. Thereafter, he was re-designated as Health Inspector Grade-I and was further promoted as Non-Medical Supervisor on 22.12.2014. The petitioner was also granted selection



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grade on 22.12.2024 and is due to retire on 30.09.2025. The grievance of the petitioner is that the third respondent has passed the impugned recovery order and the consequential order, whereby the petitioner's scale of pay has been revised retrospectively with effect from 01.08.1998. The said revision is based on the ground that, while the petitioner was re-designated as Health Inspector Grade-IB, he had availed 5% Personal Pay until the year 2014. Subsequently, the said post was re-designated as Health Inspector Grade-I and it is now contended that the petitioner is not entitled to the 5% Personal Pay due to the merger of the posts. It is submitted that the impugned orders have been passed in violation of the principles of natural justice, without affording the petitioner an opportunity of being heard and accordingly, the learned counsel for the petitioner prays to allow the writ petition.

3. Per contra, the learned Special Government Pleader appearing on behalf of the respondents vehemently contends that due to the merger of the post of Health Inspector Grade – IB with Health Inspector Grade – I, the respondents have rightly passed the impugned recovery order along with the subsequent revision of petitioner's scale. Accordingly, he prays for dismissal of the writ



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4. Heard the learned counsel for the parties and perused the materials available on record.

5. Based on the above submissions and upon perusal of the records, this Court is of the considered view that the impugned orders have been passed without affording an opportunity of hearing and thereby violating the principles of natural justice. Accordingly, the impugned orders dated 21.05.2025 and 22.05.2025 are hereby set aside. The matter is remitted back to the third respondent for fresh consideration. The third respondent is directed to afford an opportunity of personal hearing to the petitioner and thereafter, pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

29.08.2025

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



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M.DHANDAPANI,J.

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**ORDER MADE IN
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