



W.P.(MD)No.22134 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2025

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.22134 of 2024
and WMP(MD).No.18752 of 2024**

M.Chandraleka

... Petitioner

Vs.

1.The Assistant Director
State Government Audit Department
Old Collectorate Complex
Thanjavur 613 001

2.The Special Tahsildar (ADW)
Old Collectorate Complex
Thanjavur 613 001

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari calling for the records of the second respondent ie. the Special Tahsildar (ADW), Thanjavur in his No.Na.Ka.320/2024/A3 dated 10.07.2024 and quash the same in respect of Sl.No.15 alone.

For Petitioner

: Mr.S.Visvalingam

For Respondents

:Mr.A.Baskaran
Additional Government Pleader



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ORDER

The instant writ petition has been filed by a Secondary Grade Teacher challenging the order of recovery based upon audit objection.

2.A perusal of the impugned order reveals that the petitioner has not been put on notice along with a copy of audit objection before passing the order of recovery.

3.Since the order of recovery has been passed in violation of principles of natural justice, the order impugned in the writ petition is hereby set aside. The matter is remitted back to the file of the authorities for passing fresh order on merits and in accordance with law after giving an opportunity to the writ petitioner.

4.Considering the fact that the petitioner is receiving incentive increment from the year 1998 onwards, there shall not be any order of recovery. However, the authorities are at liberty to refix the pay scale after giving due opportunity to the writ petitioner.



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5. With the above said observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.01.2025

Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
msa

To

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State Government Audit Department
Old Collectorate Complex
Thanjavur 613 001

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Old Collectorate Complex
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R.VIJAYAKUMAR, J.

msa

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