



W.P.(MD)No.22580 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.22580 of 2025

and

W.M.P.(MD) No.17696, 17697 & 17699 of 2025

A.Alphonse Leonard

: Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Secretariat, Chennai - 9
2. The Director of Elementary Education,
Dpi Campus, Chennai – 6.
3. The District Educational Officer (Elementary),
Kovilpatti,
Thoothukudi District.
4. The Block Educational Officer,
Vilathikulam Block,
Thoothukudi District.
5. The Principal Accountant General,
Office of the Accountant General (A and E),
361, Anna Salai, Teynampet,
Chennai – 18.



W.P.(MD)No.22580 of 2025

6. The District Treasury Officer,
Treasury Office, Thoothukudi.

7. The Sub-Treasury Officer,
Vilathikulam,
Thoothukudi.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call the records pertaining to the Impugned Order in Na.Ka.No.388/A1/2024 dated 19.03.2025 on the file of the Respondent No.4 and the Consequential Impugned Order in No.AG(A&E)/PEN E16/11635748/1/R1632964/825 dated 21.06.2025 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, directing the Respondent No.4 to 7 to disburse the death cum retirement gratuity, encashment of earned leave, unearned leave to the Petitioner within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.S.Vinodh (R1 to R4, R6 & R7)

Government Advocate

Ms.S.Mahalakshmi (R5)

ORDER

This writ petition has been filed challenging the Impugned Order of recovery in Na.Ka.No.388/A1/2024 dated 19.03.2025 on the file of the



W.P.(MD)No.22580 of 2025

WEB COPY

Respondent No.4 and the Consequential Impugned Order in No.AG(A&E)/PEN E16/11635748/1/R1632964/825 dated 21.06.2025 on the file of the Respondent No.5 and consequently seeking for a direction to the respondents 4 to 7 to disburse the death cum retirement gratuity, encashment of earned leave, unearned leave to the petitioner within the time period stipulated by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Secondary Grade Teacher in the year 1987 and he retired on 31.05.2024. During his service, he was granted selection grade to the post of Middle school Headmaster. While this being so, the fourth respondent passed the impugned order cancelling the grade pay granted to the petitioner and also ordered for recovery and subsequently, the fifth respondent also passed an order for recovery. Challenging both the orders, this writ petition came to be filed.



W.P.(MD)No.22580 of 2025

WEB COPY

4. The learned counsel appearing for the petitioner would submit that the present impugned orders are passed without even providing an opportunity of hearing to the petitioner and behind his back, the impugned orders have been passed, which is in violation of principles of natural justice.

5. The learned Government Advocate appearing for the official respondents would fairly submit that prior to passing of the impugned orders, no opportunity was granted to the petitioner. He would further submit that the impugned orders may be set aside and the matter may be remanded back to the authority concerned for providing an opportunity to the petitioner and till such time, no recovery can be made.

6. Considering the facts and circumstances of this case and also considering the fact that the impugned orders have been passed in violation of principles of natural justice, the impugned orders dated 19.03.2025 and 21.06.2025 are set aside and the matter is remanded back to the fourth respondent for fresh consideration. The fourth respondent shall pass appropriate orders on merits and in accordance with law, after



W.P.(MD)No.22580 of 2025

WEB COPY

affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is allowed.

Consequently, connected miscellaneous petitions are closed.

19.08.2025

Index : Yes / No
NCC : Yes / No
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W.P.(MD)No.22580 of 2025

WEB COPY

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WEB COPY



W.P.(MD)No.22580 of 2025

M.DHANDAPANI, J.

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W.P.(MD) No.22580 of 2025

19.08.2025