



WP(MD)No.25574 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.25574 of 2019
and
WMP(MD)No.22137 of 2019

E.Rana Kumar

.. Petitioner

v.

The Commissioner,
Padmanabhapuram Municipality,
Thuckalay, Kanyakumari District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent vide proceedings in Ma.Ku.Na.Ka.No.1523/18/ A1 dated 31.10.2019, quash the same and consequently, directing the respondent to continue to pay one additional increment of 3% of the petitioner's basic pay on award of Selection Grade / Special Grade to the petitioner as per G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013.



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For Petitioner : Mr.S.Bharathy Kannan

For Respondent : Mr.P.Athimoola Pandian

ORDER

The petitioner has filed this writ petition as against the proceedings of the respondent dated 31.10.2019 and also for a consequential direction for additional increment.

2.The case of the petitioner is that the respondent Municipality has communicated an order of audit objection that the pay of this petitioner has been wrongly fixed and therefore, it needs to be recovered from the petitioner. The grievance of the petitioner is that by the impugned proceedings, the respondent is intending to recover a sum of Rs.98,000/- from the petitioner.

3.Learned Standing Counsel for the respondent Municipality submitted that the respondent has not passed any order of recovery so far. They have only communicated the report of the audit objection.



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4.This Court considered the rival submissions made on either side and perused the materials placed on record.

5.The petitioner apprehending that action would be taken as against him, based on the audit objection, has approached this Court. According to the respondent / Municipality, they have not taken any decision based on the audit objection so far and that they are yet to pass an order.

6.In the event, if the respondent is intending to reduce the salary of the petitioner or make any recoveries based on the audit objection, then the respondent shall provide an opportunity of hearing to this petitioner and thereafter take a decision, on merits and by considering the decision of the Hon'ble Supreme Court in *State of Punjab and Others v. Rafiq Masih (White Washer)* [AIR 2015 SC 696].

Accordingly, this writ petition stands disposed of.



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There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
gk

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To

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B.PUGALENDHI, J.

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