



WEB COPY



WA No. 3878 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 3878 of 2025
AND CMP NO. 31674 OF 2025**

1. The Director Of School Education
DPI Campus, College Road, Chennai - 600 006.
2. The Joint Director of School Education (Personnel),
DPI Campus, College Road, Chennai - 600 006.

..Appellants

Vs

L G Murugan S/o.N.V.Gopal, Superintendent (UPG),
office of Ddirector of School Education, DPI Campus,
College Road, Chennai 600 006

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 07.06.2024 made in WP.No.3204 of 2019.

For Appellants :	Mr.J.C.Durairaj Additional Government Pleader
For Respondent :	Ms.S.Suneetha

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the learned Writ Court dated 07.06.2024 made in W.P.No.3204 of 2019.



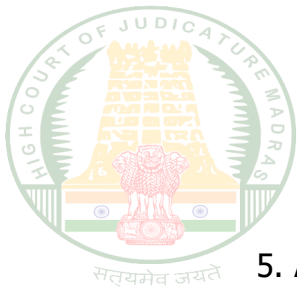
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2. The respondent / writ petitioner was appointed as Junior Assistant on compassionate ground on 21.06.1999. His service was regularised after successful declaration of probation. Thereafter, in the year 2013, he was promoted to the next cadre ie., Superintendent with effect from 31.12.2013 and has been working in that capacity since then.

3. While that being so, by proceedings dated 22.01.2019 it was the stand of the appellant Department that the promotion to the post of Superintendent should have been given to the writ petitioner with effect from 11.03.2015 and not from 31.12.2013. Therefore, for the period from 31.12.2013 to 11.03.2015 since he is not entitled to get the promotion to the post of Superintendent, the excess salary paid to him in the post of Superintendent was ordered to be recovered. Challenging such recovery order, the writ petition was filed.

4. Though several grounds have been urged, one of the prime grounds that was raised by the writ petitioner before the Writ Court was that without giving any notice before passing the recovery order, the order impugned was issued and therefore, on the ground of violation of principles of natural justice alone the learned Writ Court allowed the writ petition by setting aside the recovery order, impugned in the writ petition.



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5. As against the said order, since the instant Writ Appeal has been preferred by the appellants, after hearing the learned Additional Government Pleader, we are of the view that, since only on the ground of violation of principles of natural justice the impugned order was set aside by the Writ Court, it is open to the appellants to issue a notice to the respondent / writ petitioner and then act upon on the basis of the reply to be given by the writ petitioner.

6. With the above observation and liberty, the order impugned since is liable to be sustained, it is accordingly sustained. Thereby, the writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

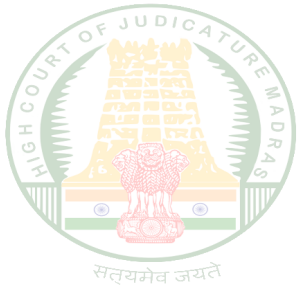
(R.S.K.,J.) (S.S.A.,J.)
21-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

To

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