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W.P.Nos.25962 and 25967 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.Nos.25962 and 25967 of 2025

And

W.M.P.Nos.29205 and 29211 of 2025

Dr.S.Rajamanikandan

... Petitioner in W.P.25962 of 2025

Dr.C.Murali Kanth

... Petitioner in W.P.25967 of 2025

Vs.

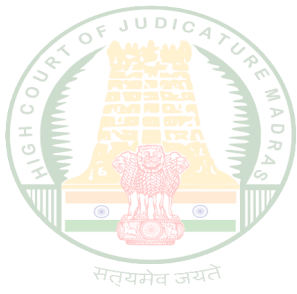
1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

2.The Regional Deputy Commissioner (Central)
Regional Deputy Commissioner Office (Central)
Greater Chennai Corporation,
Door No.36B, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai – 600 030.

3.The City Health Officer,
Public Health Department,
Greater Chennai Corporation
Ripon Building,
Chennai – 600 003.

... Respondents in both the W.Ps.

4.The Zonal Officer,
Zone VI (Thiru-Vi-Ka Nagar),
Greater Chennai Corporation
No.158, Strahans Road,
Pattalam,
Chennai – 600 012.



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5.The Zonal Health Officer
Zone VI (Thiru-Vi-Ka Nagar),
Greater Chennai Corporation
No.158, Strahans Road,
Pattalam,
Chennai – 600 012.

... Respondents in W.P.25962 of 2025

4.The Zonal Officer,
Zone IX (Teynampet),
Greater Chennai Corporation
No.4, 4th Cross Street,
Lakeview Road,
Chennai – 600 034.

5.The Zonal Health Officer
Zone IX (Teynampet),
Greater Chennai Corporation
No.4, 4th Cross Street,
Lakeview Road,
Chennai – 600 034.

... Respondents in W.P.25967 of 2025

Prayer in W.P.No.25962 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the proceeding issued by the fifth respondent vide No. Ma.A6. Na.Ka.No.A3/433/2024 dated 25.06.2025 and quash the same, thereby forbearing the respondents from recovering any amount from the salary of the petitioner on the reason that the petitioner had not completed the departmental examination within the probation of two years, with a further direction to the respondents for re-fixing the basic wage of the petitioner as per the relevant service rules at par with the similarly placed medical officers on granting appropriate yearly increments and consequently direct the respondents to repay



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the amounts recovered from the petitioner in that regard.

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Prayer in W.P.No.25967 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the passed by the second respondent herein in proceedings vide No. Ma.Va.Aa.Na.Ka.No.H1/299340/2024 dated 24.03.2025 and quash the same with a direction to the respondents for re-fixing the basic wage of the petitioner as per the relevant service rules at par with the similarly placed medical officers on granting appropriate yearly increments and consequently direct the respondents to repay the amounts recovered from the petitioner.

For Petitioner : Mr.K.Prabakar
For Respondents : Mr.E.C.Ramesh
Standing Counsel

COMMON ORDER

Mr.E.C.Ramesh, learned Standing Counsel takes notice on behalf of the respondents. By consent, the writ petitions are taken up for final disposal at the admission stage itself.

2.W.P.No.25962 of 2025 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to the proceeding issued by the fifth respondent dated 25.06.2025 and quash the same, thereby forbearing the respondents from recovering



W.P.Nos.25962 and 25967 of 2025

any amount from the salary of the petitioner on the reason that the petitioner had not completed the departmental examination within the probation of two years, with a further direction to the respondents for re-fixing the basic wage of the petitioner as per the relevant service rules at par with the similarly placed medical officers on granting appropriate yearly increments and consequently direct the respondents to repay the amounts recovered from the petitioner in that regard.

3.W.P.No.25967 of 2025 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records of the passed by the second respondent herein in proceedings dated 24.03.2025 and quash the same with a direction to the respondents for re-fixing the basic wage of the petitioner as per the relevant service rules at par with the similarly placed medical officers on granting appropriate yearly increments and consequently direct the respondents to repay the amounts recovered from the petitioner.

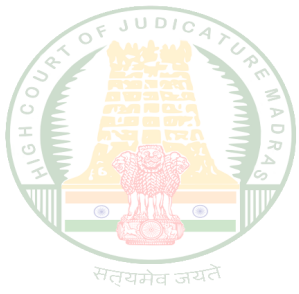
4.The learned counsel appearing for the petitioners would submit that the petitioners are the medical officers of the respondent Corporation. The learned counsel would further submit that there is no necessity for the Corporation Officials to pass in the departmental test



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and departmental test has to be successfully completed by the Government Officer during the period of their probation. It is the further submission of the learned counsel appearing for the petitioners that the petitioners have successfully completed the departmental test during May, 2019 and December, 2020 respectively, however, the respondents have passed the order recovering the amount paid to the petitioners. According to the petitioners, the same would be eligible to the petitioners after passing the departmental test. It is the further submission of the learned counsel that before effecting such recovery and before re-fixing pay, no notice was given to the petitioners.

5. Such contention was strongly objected by the learned Standing Counsel appearing for the respondents and he would submit that the petitioners have to pass the departmental test within a period of two years, then only, they will be eligible for increment. Whereas, in the present case, the petitioners passed the departmental test after ten years. Therefore, the increment which has been inadvertently paid to the petitioners has to be recovered from the petitioners. At the same time, the learned Standing Counsel would fairly submit that the impugned orders were passed without issuing notice to the petitioners.



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6.It is pertinent to note that whenever, recovery order is passed, it is expected to get explanation from the individual so as to justify his case. In the present case, admittedly no notice was issued to the petitioners before passing of the impugned orders.

7.In such view of the matter, the impugned orders are liable to be quashed and the matter has to be remitted back to the respondents. Accordingly, the impugned orders dated 25.06.2025 and 24.03.2025 respectively, are quashed. The matter is remitted back to the respondents to pass fresh orders in accordance with law, after giving notice to the petitioners. The respondents are directed to complete such exercise within a period of six weeks from the date of receipt of a copy of this order.

8.The writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.07.2025

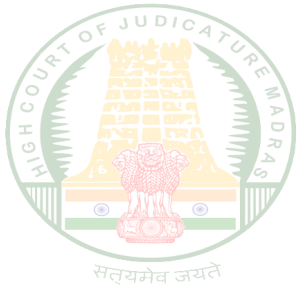
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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

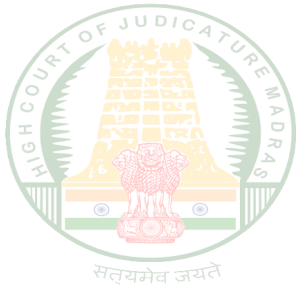
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