

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33522 of 2015

And

M.P.No.1 of 2015

I.Sajina

.. Petitioner

Vs.

1 The Chairman, TANGEDCO
144, Anna Salai, Chennai.

2 The Superintending Engineer, (P & A)
Mettur Thermal Power Station - II,
TANGEDCO, Mettur Dam,
Mettur - 6.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in proceedings in Memo No.055671/ 2462/ Adm.1/ A.4/E.pay fix/2014 dated 19.12.2014 on the file of the 2nd respondents for re-fixation of petitioner pay and recovery of excess pay and quash the same.

For Petitioner : Mr.B.Manoharan

For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The grievance expressed by the petitioner who was working as Junior Assistant ((Adm)./CO/MTPS.I) now Assistant (Admin) is that before re-fixation and recovery, she has not been put on notice whatsoever and no opportunity has been given to her to put forth her explanation and hence, came forward to file this writ petition.

3. Heard the submissions of Mr.B.Manoharan, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel who accepts notice on behalf of the respondents.

4. A perusal of the impugned order would disclose that a reference is made to the audit statement dated 27.09.2014 and admittedly, no show cause notice has been issued to the petitioner calling upon her to offer her explanation as to re-fixation and recovery. Hence, on the sole ground the impugned order warrants interference.

5. The writ petition is partly allowed and the impugned order dated 19.12.2014 is set aside and the impugned order dated 19.12.2014 is to be treated as show cause notice. The petitioner is directed to submit her explanation within a period of two weeks from the date of receipt of a copy of this order and the second respondent on receipt of the said explanation, is directed to consider the same on merits and in accordance with law and pass orders within a period of four weeks thereafter and communicate the decision taken, to the petitioner. No costs. Consequently, the connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Chairman, TANGEDCO
144, Anna Salai, Chennai.
- 2 The Superintending Engineer, (P&A)
Mettur Thermal Power Station - II,
TANGEDCO, Mettur Dam, Mettur-6.

+1 C.C. To MR.B.Manoharan, Advocate in SR.NO.57351

+1 C.C. To MR.P.R.Dhilipkumar, Advocate in SR.NO.57354

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W.P.No.33522 of 2015
And
M.P.No.1 of 2015

MG(CO)
sd : 30/10/2015