

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/12/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.40088 of 2015

A. Joshkutty
S/o.Antony
Director of Calypso Aquatec Private Limited
Eakkiarkuppam Village
Marakkannam Post & Taluk. ... Petitioner

Vs

1. The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)
rep. By its Chairman
144 Anna Salai
Chennai 600 002.
2. The Superintending Engineer
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)
Villupuram.
3. The Assistant Engineer
Operations & Maintenance
Tamil Nadu Electricity Board
Marakkanam
Villupuram District.
4. The Junior Engineer
Operations & Maintenance
Tamil Nadu Electricity Board
Marakkanam
Villupuram District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the fourth respondent in his impugned proceedings in his Letter No.E.Mi.Po/E.Pa/Marakkanam/Ko.Audit 135/A.No.111 dated 1/10/2015 with Audit Slip 135 dated 28/8/2015 and quash the same.

For petitioner ... Mr.D.Ravichander

For respondents ... Mr.M.Varun Kumar

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O R D E R

With the consent of the learned counsel appearing for the parties, the writ petition itself is taken up for final disposal, at the admission stage itself.

2. Heard Mr.D.Ravichander, learned counsel for the petitioner and Mr.M.Varun Kumar, learned Standing Counsel for the respondents.

3. This writ petition has been filed praying to quash the impugned proceedings passed by the fourth respondent in Letter No.E.Mi.Po/E.Pa/Marakkanam/Ko.Audit 135/A.No.111 dated 1/10/2015 with Audit Slip 135 dated 28/8/2015.

4. The petitioner has challenged the impugned proceedings issued by the fourth respondent in and by which the fourth respondent has directed the petitioner, to pay a sum of Rs.3,22,946/-, within a period of fifteen days, from the date of receipt of the award, alleging the same to be short fall, due to arithmetic inaccuracy, for the period from 2008 onwards.

5. It is seen that the impugned proceedings has been issued, without notice to the petitioner. That apart, no opportunity has been given to the petitioner, to raise objections, especially when the demand is from the year 2008 and for the first time, action has been initiated in 2015, that too based upon a Audit report. Further more, the petitioner is not aware as to what is the nature of Audit objection.

6. In the light of the above deficiencies, it has to be held that the impugned proceedings are in total violation of the principles of natural justice.

7. Accordingly, this writ petition is allowed and the impugned demand passed by the fourth respondent is set aside and the fourth respondent is directed to issue a show cause notice to the petitioner, enclosing all the relevant records, afford an opportunity to the petitioner, to submit his objection and after

affording an opportunity of personal hearing to the petitioner, pass fresh orders on merits and in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

mvs.

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Chairman
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
144 Anna Salai
Chennai 600 002.
2. The Superintending Engineer
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
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Villupuram District.
4. The Junior Engineer
Operations & Maintenance
Tamil Nadu Electricity Board
Marakkanam
Villupuram District.

+ 1 cc to Mr.D.Ravichander, Advocate SR 68307

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