



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

Writ Petition (MD) No.438 of 2017

V.Mohana Sundaram,

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation Ltd.,
Represented by its Chairman cum Managing Director,
No.144, Anna Salai,
Chennai- 600 002.

2.The Secretary,
TNEB / TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

3.The Internal Audit Officer,
TNEB / TANGEDCO,
Board Office, Audit Branch,
1st Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai - 600 002.

4.The Superintending Engineer,
TNEB / TANGEDCO,
Madurai Electricity Distribution Circle,
1st Floor, K.Pudur, Madurai - 625 007.

... Respondents

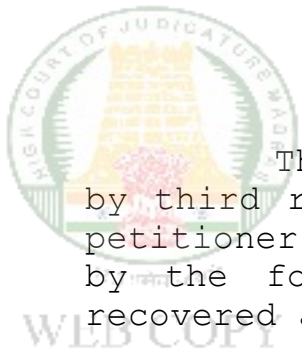
Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication in Lr.No.06764/BOAB/F158/F8/F.81/PPO/2016, dated 03/2016 on the file of the Respondent No.3 and the consequential communication in Ka.No,008854/1968/Me.Pa.Po/Ma.Mi.Pa.Va/Ma.Thu/Ni.Pi.3/Uthavi 4/Ko.Vaa.Tha.See/16, dated 31.08.2016 on the file of the Respondent No.4 and quash the same as illegal and consequently to direct the respondents to return the recovered amount to the tune of Rs.5,312/- (Rupees five thousand three hundred and twelve only) within the time stipulated by this court.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents

: Mr.S.Dhayalan,
Standing Counsel

**ORDER**

This Writ Petition is filed challenging the order passed by third respondent for recovery of a sum of Rs.5,312/- from the petitioner in two installments and the consequential order passed by the fourth respondent deducting the amount directed to be recovered as per the impugned order.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. From the reading of the impugned order, it is seen that the order of recovery is passed without prior notice or an opportunity to the petitioner. Principles of nature of justice is not complied with. Hence, on this short ground, the Writ Petition is allowed. The impugned orders challenged in this Writ Petition are quashed. However, liberty is preserved to the respondents to pass fresh orders after giving an opportunity to the petitioner before proceeding to resort to any recovery from the amount payable by way of pension. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai- 600 002.

2. The Secretary,
TNEB / TANGEDCO,
No.144, Anna Salai, Chennai - 600 002.

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4. The Superintending Engineer,
TNEB / TANGEDCO,
Madurai Electricity Distribution Circle,
1st Floor, K.Pudur, Madurai - 625 007.

+1 CC to M/s.T.LAJAPTHI ROY, Advocate, SR No. 13634

+1 CC to M/s.S.DHAYALAN, Advocate, SR No. 13620

SRM

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