

IN THE HIGH COURT OF JUDICATURE AT MADRA

Dated : 25.07.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition Nos. 18862 to 18865 of 2018
and
W.M.P.Nos.22237 to 22242 of 2018

1. M. Kannan ...Petitioner in W.P.Nos.18862 and 18863 of 2018
2.S.Wilfred Masilamani ...Petitioner in W.P.No.18864 and 18865 of 2018

Vs.

1. The Tamil Nadu Generation & Distribution Corporation (TANGEDCO)
rep. by its Chairman and Managing Director,
No. 144, Anna Salai, Chennai - 600 002.
2. The Secretary,
Tamil Nadu Generation & Distribution Corporation (TANGEDCO)
No. 144, Anna Salai, Chennai - 600 002.
3. The Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation & Distribution Corporation (TANGEDCO)
NPKRR Maligai, 1st Floor,
No. 144, Anna Salai,
Chennai - 600 002. ... Respondents in all W.Ps.

Prayer in W.P.Nos.18862 and 18863 of 2018 : -

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records relating to the impugned proceedings issued by the third respondent in Memo No.029008/1102/F.1/F.12/2018-2 and No.029009/1103/F.1/F.12/2018-3 respectively, dated 27.06.2018, and to quash the same.

Prayer in W.P.Nos.18864 and 18865 of 2018 :

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari

to call for records relating to the impugned proceedings issued by the third respondent in Memo No.029008/1102/F.1/F.12/2018-3 and No.029009/1103/F.1/F.12/2018-2 respectively, dated 27.06.2018, and to quash the same.

For Petitioners in all WPs. : Mr.G.S.Sankaran
For Respondents in all WPs. : Mr.P.R.Dhilipkumar
Standing Counsel

COMMON ORDER

Heard Mr.G.S.Sankaran, the learned counsel appearing for the petitioners and Mr.P.R.Dhilipkumar, the learned Standing Counsel, who accepts notice on behalf of the respondents. On consent of the learned counsel appearing for the parties, these Writ Petitions are taken up together for disposal at the stage of admission in the absence of reply affidavit.

2. The petitioners, in all these Writ Petitions have challenged the proceedings issued by the third respondent, dated 27.06.2018, in and by which, the recovery proceedings has been initiated against them pursuant to the earlier memo dated 03.04.2010.

3. The learned counsel appearing for the petitioners though has made an elaborate arguments assailing the impugned orders, however, during the course of hearing submits that since the impugned orders proceeds on the footing that the petitioners have not replied to the show cause notices, which culminated in confirmation of the proposals made in the show causes notice, he prays that the petitioners may be given liberty to file a reply/representation setting out their grievance before the respondents and the respondents be directed to dispose of such reply/representation within a stipulated period.

4. The learned Standing Counsel appearing for the respondents submits that the respondents shall have no objection for disposal of such representation, however, requests that this Court should not put any fetter on the respondents towards disposal of such representation in any particular manner.

5. Regard been had to the facts and the submissions made, especially, the prayer now made by the learned counsel appearing for the petitioners, these Writ Petitions stand disposed of giving liberty to the petitioners to file a reply/representation, setting forth their case within a

period of two weeks from the date of receipt of a copy of this order to the third respondent annexing a copy of this order or within a period of six weeks from today whichever is earlier, who shall on receipt of such representation take an informed and considered decision on the same within a period of three weeks from the date of receipt of such representation. However, till such time, no recovery shall be made. No costs. Consequently, connected Writ Miscellaneous Petitions are closed. It is made clear that, if no representation is made by the petitioners within the time stipulated, there is no impediment in law to proceed against them for recovery of the amount.

sd

Sd/-

Assistant Registrar (CS ix)

//True Copy//

Sub Assistant Registrar

To

1. The Tamil Nadu Generation & Distribution Corporation (TANGEDCO)
rep. by its Chairman and Managing Director,
No. 144, Anna Salai,
Chennai - 600 002.
 2. The Secretary,
Tamil Nadu Generation & Distribution Corporation (TANGEDCO)
No. 144, Anna Salai,
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 3. The Chief Internal Audit Officer,
Audit Branch,
Tamil Nadu Generation & Distribution Corporation (TANGEDCO)
NPKRR Maligai, 1st Floor,
No. 144, Anna Salai,
Chennai - 600 002.
- +1 cc to Mr. G.S. Sankaran Advocate SR.NO. 50876

Writ Petition Nos. 18862 to 18865 of 2018
ASK (24/08/2018)