

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2018
CORAM
THE HON'BLE DR.JUSTICE S.VIMALA
W.P.No.30589 of 2018
and W.M.P.No.35671 of 2018

R.Gubendran

... Petitioner

Vs

1.The Chairman

Tamil Nadu Generation and Distribution
Corporation, TANGEDCO, Anna Salai
Chennai 600 002.

2.The Chief Engineer Personnel

TANGEDCO, Anna Salai
Chennai 600 002.

3.The Superintending Engineer

TEDC, TANGEDCO, Thiruvannamalai-606 604.

.... Respondents

For Petitioner : Mr.E.Manoharan

For Respondent : Mr.P.R.Dhilip Kumar,
Standing Counsel

Prayer : Writ Petition filed under Article 226 of the
Constitution of India seeking a writ of Certiorari to call for
the records in proceedings in Memo No.SET/Adm.`/A-4/F.Audit/2017
dated 05.01.2018 on the file of the third respondent for
recovery of excess pay and quash the same.

O R D E R

The order dated 05.01.2018 passed by the third respondent is
under challenge. As per the impugned order, based on audit
remarks, excess pay was sought to be recovered from the pay of
the petitioner. It is also alleged that the pay has been refixed
without any notice to the petitioner.

2. Learned counsel for the petitioner submits that before
effecting recovery and re-fixation of pay, notice ought to have
been issued to the petitioner and hence the recovery order,
which is impugned in this writ petition is illegal.

3.Mr.P.R.Dhilip Kumar, learned Standing Counsel takes notice
on behalf of the respondents.

4.As the order of recovery is passed, without hearing the petitioner, the order is liable to be set aside. Accordingly, the impugned order dated 05.01.2018 is set aside and the respondents are directed to issue notice to the petitioner calling for his objections and pass further orders on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST
To

- 1.The Chairman
Tamil Nadu Generation and Distribution
Corporation, TANGEDCO, Anna Salai
Chennai 600 002.
- 2.The Chief Engineer Personnel
TANGEDCO, Anna Salai
Chennai 600 002.
- 3.The Superintending Engineer
TEDC, TANGEDCO, Thiruvannamalai-606 604.

+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.80075

+1cc to Mr.B.Manoharan, Advocate, S.R.No.80134

W.P.No.30589 of 2018

RV(CO)
GSP(24/12/2018)

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