



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 23.01.2018  
CORAM  
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.771 of 2018  
and  
W.M.P.(MD) .No.831 of 2018

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V.Mohana Sundaram

... Petitioner

Vs.

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

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

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

4.Mr.J.Freda Padmini B.E., M.B.A.,  
The Superintending Engineer,  
TNEB/TANGEDCO,  
Madurai Electricity Distribution Circle,  
1st Floor, K.Pudur, Madurai-625 007, Madurai District.

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

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication in Lr. No.007114/99/ Me.Pa.Po./ Ma.Mi.Pa.Va./ Mdu/Ni.A/ Ni.Pi -3/Ni.Me/Ko.VaTha.Si.No.26/2017, dated 20.06.2017 on the file of the respondent No.3 and the consequential communication in Lr.No.33330/675/F8/F81/Pi.Pi.O.No.81284/2017 dated 30.11.2017 on the file of the Respondent No.2 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 and Three Hundred and Twelve only) with the cost of litigation to the tune of Rs.10,000/- (Rupees Ten Thousand only) with the time stipulated by this Court.

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For Petitioner : Mr.S.Louis  
For Respondents : Mr.Dhayalan for R1 to R3  
Standing Counsel

ORDER

Heard Mr.S.Louis, learned counsel, appearing for the petitioner and Mr.Dhayalan, learned Standing Counsel, appearing for the respondents 1 to 3.

2.By consent of both the parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner is a retired Tamil Nadu Electricity Board Employee. A sum of Rs.5,312/- was ordered to be recovered from his pension. This order was passed without notice to him. Therefore, the petitioner herein filed W.P.(MD).No.438 of 2017. This Court, by order dated 09.03.2017, quashed the order of recovery, but gave liberty to the respondents to pass orders afresh in accordance with law. However, without issuing any fresh notice or holding an enquiry, an order of recovery of the said sum was once again made. It is also submitted that said amount was already recovered from the pension amount of the petitioner. Therefore, the petitioner has come forward with the present Writ Petition for the reliefs stated above.

4.This Court can only express displeasure over the conduct of the authorities. The impugned proceedings made in the Writ Petition are not in consonance with the order dated 09.03.2017 made in W.P.(MD).No.438 of 2017 passed by this Court earlier. There is nothing on record to show that after 09.03.2017, any opportunity was given or any notice was issued to the petitioner or enquiry was held. Thus, the impugned proceedings suffer from the same vice from which the earlier proceedings suffered. This Court, therefore, has to necessarily quash the proceedings impugned in this Writ Petition and accordingly, quashed. A direction is issued to the authorities to refund the recovered amount of Rs.5,312/- to the petitioner.

5.In the result, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-III)

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<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

+1cc to M/S.S.Louis, Advocate SR.No. 43374

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tsg

JM/SKN RSK/SAR 1/22.02.2018/3P/2C