



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WEB COPY

W.P(MD)No.9943 of 2018
and W.M.P.(MD) No.9112 of 2018

R.Sivalingam

... Petitioner

Vs.

1.The Chief Engineer/Distribution,
TANGEDCO,
Madurai Region,
K.Pudur, Madurai - 7.

2.The Superintending Engineer,
Madurai Electricity Distribution Circle,
TANGEDCO, K.Pudur,
Madurai - 7.

3.The Executive Engineer/Distribution,
TANGEDCO,
Tirumangalam Division,
Tirumangalam,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order in Ku.No.310/Me.Pho/MamipaVa/MaThu/Ni.A/Ni.Pi.1/U.3/2018 dated 17.04.2018 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mrs.S.Srimathy Special Government Pleader

O R D E R

Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader for the respondents.

2. In the light of the glaring error as found in the impugned order, the main writ petition itself is taken up for disposal. By virtue of the impugned order, the respondent seeks to recover a sum of Rs.39,69,686/- at the rate of Rs.30,000/- per month commencing from April 2018.

3. Upon hearing the learned counsel appearing for the parties and on a careful perusal of materials place on record, it



is seen that a request was made by the petitioner dated 02.05.2017 to furnish details of the work orders alleged not to have been completed by the petitioner, but, without furnishing the details, the impugned order has been passed.

WEB COPY 4. Before initiating action for recovery of the sum, the delinquent employee is entitled for an adequate opportunity. An opportunity should be effective opportunity and should not be illusive. The documents sought for should be furnished and only after having furnished, the orders could have been passed. However, all these basic parametres have not been fulfilled when passing the impugned order. This is sufficient to interfere with the impugned order.

5. Accordingly, the writ petition is allowed and the impugned order is set aside and the matter is remitted back to the second respondent, who

shall consider the petitioner's representations dated 02.05.2017 and 29.05.2017 and furnish the documents sought for and if the documents are voluminous, the petitioner is directed to peruse the documents and take note of the same and thereafter reasonable time should be granted to the petitioner to file a reply and an enquiry should be conducted by affording an opportunity of personal hearing and a speaking order shall be passed on merits and in accordance with law. No costs. Consequently, connected W.M.P.(MD) No.9112 of 2018 is closed.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Chief Engineer/Distribution,TANGEDCO,Madurai Region,
K.Pudur, Madurai - 7.

2.The Superintending Engineer,Madurai Electricity Distribution
Circle,
TANGEDCO, K.Pudur,Madurai - 7.

3.The Executive Engineer/Distribution,TANGEDCO,
Tirumangalam Division,Tirumangalam,Madurai District.

+1cc to Mr.T.LAJAPATHY ROY, Advocate, SR.No.64325

W.P(MD)No.9943 of 2018
and W.M.P.(MD) No. 9112 of 2018
27.04.2018