



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.01.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.14331 of 2011

and

M.P.(MD) Nos.1 & 2 of 2011

P.Manoharan (died)

Dinesh ...Petitioner
(Petitioner has been substituted as per order
dated 23.01.2018 in WMP(MD).No.4715/17)

Vs.

1.The Tamil Nadu Electricity Board,
represented by its Chairman,
No.144, Anna Salai,
Chennai - 02.

2.The Chief Engineer(Personnel)
Tamilnadu Electricity Board,
No.144, Anna Salai,
Chennai - 02.

3.The Superintending Engineer,
Generation Circle,
Tamilnadu Electricity Board,
Tirunelveli - 11.

...Respondents

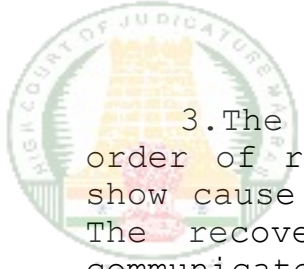
PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order of recovery in Memorandum No.967/Ni.Me./Sa.Pa.Pirivu/Oo2./11, dated 25.07.2011 on the file of the Respondent No.3 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.A.U.Ramanathan

O R D E R

The order of recovery issued by the third respondent in proceedings No. dated 25.07.2011, is under challenge in this writ petition.

2.The original writ petitioner late Shri.P.Manoharan, was employed as Assistant Executive Engineer - Electrical Kodayar Upper Camp and subsequently, passed away. The son of the original writ petitioner one Dinesh has been impled in this writ petition.



3.The grievances of the original writ petitioner was that the order of recovery dated 25.07.2011, was issued without issuing any show cause notice and providing opportunity to the writ petitioner. The recovery was imposed based on the report, which was not communicated nor any show cause notice was issued to the writ petitioner. Any order affecting the rights of the employees cannot be issued without providing opportunity. Thus, the impugned order had been issued in violation of the principles of natural justice. On the said limited ground, the writ petition deserves to be considered.

4.Under these circumstances, the order impugned, passed by the third respondent in proceedings dated 25.07.2011, is quashed and the matter is remitted back to the respondents for issuing show cause notice to the writ petitioner and after providing opportunity to the writ petitioner and by receiving his explanations, final order can be passed on merits and in accordance with law.

5.Accordingly, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition are closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 02.

2.The Chief Engineer(Personnel)
Tamilnadu Electricity Board,
No.144, Anna Salai,
Chennai - 02.

3.The Superintending Engineer,
Generation Circle,
Tamilnadu Electricity Board,
Tirunelveli - 11.

+1cc to M/S.T.Lajapathi Roy, Advocate SR.No. 43705

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