

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28861 of 2019
and
W.M.P.No.28602 of 2019

T.Mathankumar

...Petitioner

vs.

1.The Chairman,
TANGEDCO,
No.144, NKPPR Malligai,
Anna Salai, Chennai - 2.

2.The Superintending Engineer,
Cuddalore Electricity Distribution Circle,
TANGEDCO, Cuddalore District.

3.The Superintending Engineer,
Kallakurichi Electricity Distribution Circle,
TANGEDCO, Kallakurichi District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Certiorarified Mandamus, calling for the records in memo No.43(542)/SE/CEDE/Cud/ Adm.1/U3/Koo.O.Na./2019-2 dated 19.07.2019 on the file of the 2nd respondent and quash the same consequently direct the respondent Board refund the recovered amount.

For Petitioner : Mr.R.Manoharan

For Respondents : Mr.Fakkir Mohideen for R1 & R2

ORDER

The Writ Petition has been filed by the petitioner to quash the Memo No.43(542) /SE/ CEDE/ Cud/ Adm.1/ U3/ Koo.O.Na./2019-2 dated 19.07.2019, on the file of the second respondent and consequently direct the respondent Board to refund the recovered amount.

2.The case of the petitioner is that the petitioner joined the service in the respondent Board in the year 2005 as Assistant Engineer and thereafter the petitioner was transferred

to Arasur under the third respondent, while he was working as Assistant Engineer under the third respondent, the impugned recovery order was passed by the second respondent without any notice, based on the Audit enquiry report. Thereafter, the petitioner made a representation requesting the documents to enable the petitioner to file a detailed representation, till date no order was passed. Hence, the present writ petition.

3.The learned counsel appearing for the petitioner would submit that even bare perusal of the impugned order would shows that no show cause notice was issued to the petitioner and without issuing any show cause notice, the said recovery order was passed which is unsustainable one and it is a clear violation of principles of natural justice.

4.Considering the facts and circumstances and even on bare perusal of the impugned order dated 19.07.2019, the reference did not refer any show cause notice and without issuing any show cause notice or not complying the principles of natural justice, is clear violation. Hence, impugned order is liable to be set aside.

5.In view of the above admitted position, I am inclined to set aside the impugned order dated 19.07.2019 and remand the matter back to the second respondent for complying principles of natural justice.

6.The respondent is directed to issue show cause notice and call for explanation from the petitioner thereafter pass appropriate orders not less than a period of 12 weeks from the date of receipt of a copy of this order.

7.Considering the limited request made by the learned counsel appearing for the petitioner and considering the facts and circumstances of the case, the Writ Petition stands allowed on the ground of violation of principles of natural justice. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CJ Conf)

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Sub Assistant Registrar

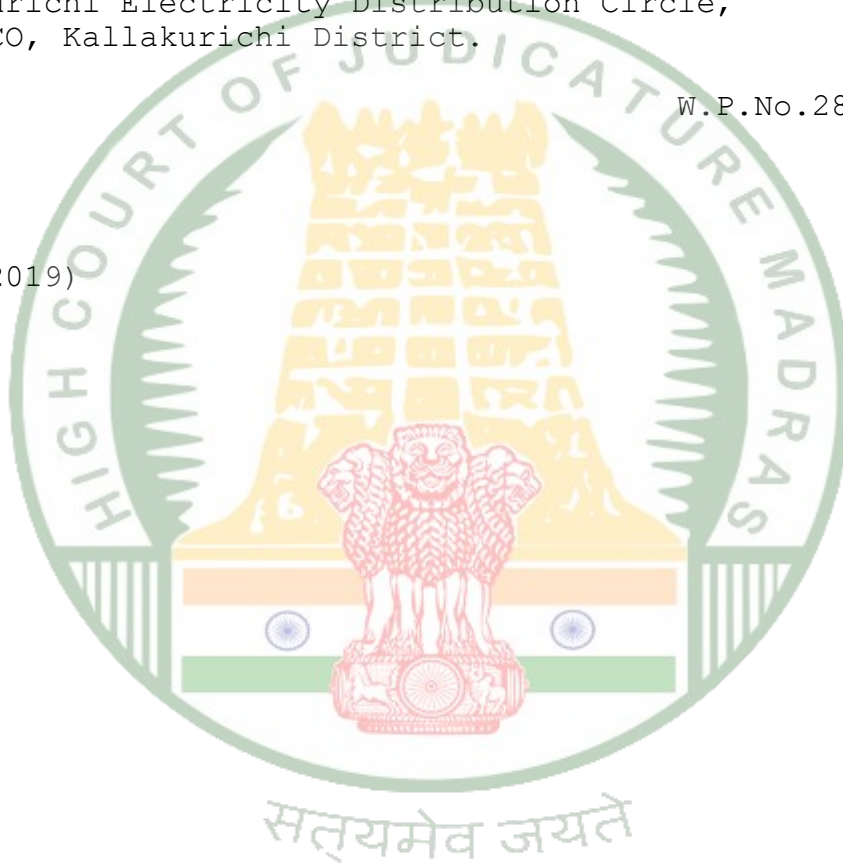
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To

- 1.The Chairman,
TANGEDCO,
No.144, NKPPR Malligai,
Anna Salai, Chennai - 2.
- 2.The Superintending Engineer,
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TANGEDCO, Cuddalore District.
- 3.The Superintending Engineer,
Kallakurichi Electricity Distribution Circle,
TANGEDCO, Kallakurichi District.

W.P.No.28861 of 2019

SJ(CO)
GN(06/11/2019)



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