



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.15593 of 2019

and

WMP(MD)No.12279 of 2019

Krishnakumar

.. Petitioner

Vs.

1.The Secretary,
TANGEDCO 10th floor,
NSPKRR Maligai,
144, Anna Salai,
Chennai - 2.

2.The Superintending Engineer,
Purchase and Administration,
TANGEDCO,
TTPS, Tuticorin - 4.

3.The Assistant Audit Officer,
BOAB/CAP.TTPS,
Tuticorin-4.

.. Respondents

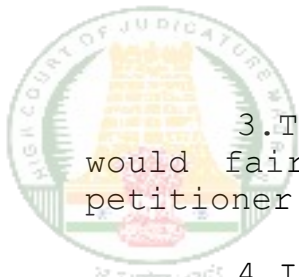
Prayer: Petition filed under Article 226 of the Constitution of India, to call for the records relating to the impugned proceedings of recovery vide Ku.No.176/Sa.Pa.Mi.2/U8/Ko.Thanikkai/2019 dated 18.06.2019 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to reimburse the petitioner's salary a sum of Rs.7000/- which was deducted on 01.07.2019.

For Petitioner	: Mr.D.Saravanan
For Respondents	: Mr.E.P.Venkateshwar for M/s.Johny Basha

ORDER

This writ petition has been filed seeking to quash the impugned recovery proceedings of the second respondent dated 18.06.2019 and consequently to direct the second respondent to reimburse the petitioner's salary to the tune of Rs.7,000/-.

2.According to the petitioner, the impugned recovery order passed by the second respondent is liable to be quashed on the ground that no notice was served while passing the impugned order and on the short ground the impugned order is liable to be quashed.



3.The learned Standing Counsel appearing for the respondents would fairly concede that no opportunity has been given to the petitioner before passing the impugned order.

4.In the light of the aforesaid submissions made by both parties, the impugned order passed by the second respondent is liable to be quashed on the short ground that no opportunity was given to the petitioner, before passing the impugned order.

5.In the result, this writ petition is allowed and the impugned order dated 18.06.2019 passed by the second respondent in Ku.No.176/Sa.Pa.Mi.2/U8/Ko.Thanikkai/2019 is quashed. However, the second respondent is at liberty to proceed with the matter in accordance with law, after affording an opportunity of hearing to the petitioner and pass orders afresh, within a period of four weeks from the date of receipt of a copy of this order. If no order is passed within the said period, the amount recovered from the petitioner shall be refunded. It is needless to say that the petitioner should cooperate with the respondent electricity Board for enquiry. No costs. Consequently, WMP(MD)No.12279 of 2019 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

TO

- 1.The Secretary,
TANGEDCO 10th floor,
NSPKRR Maligai,
144, Anna Salai,
Chennai - 2.
- 2.The Superintending Engineer,
Purchase and Administration,
TANGEDCO,
TTPS, Tuticorin - 4.
- 3.The Assistant Audit Officer,
BOAB/CAP.TTPS,
Tuticorin-4.

+1 CC to M/s.S.M.S.JOHNNY BASHA, Advocate (SR-76484[F] dated 19/07/2019)

+1 CC to M/s.D.SARAVANAN, Advocate (SR-75901[F] dated 18/07/2019)

W.P(MD)No.15593 of 2019

17.07.2019

MJ

KK/SAR/22.07.2019/2P-6C