



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.14163 of 2014

and

M.P(MD)No.1 of 2014

A.Rajkumar

... Petitioner

Vs.

The Superintending Engineer,
TNEB / TANGEDCO,
Pudukottai Electricity Distribution Circle,
Pudukottai,
Pudukottai District.

... Respondent

PRAYER: Writ Petition 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 Ku.Aa.No.03989/Oo.Ni.A./Pa.Pi/Udhavi3/Ko.Thanikkai/2014, dated 27.05.2014, on the file of the respondent and quash the same as illegal.

For Petitioner : Ms.Kanimozhi
For Mr.T.Lajapathi Roy

For Respondents : Mr.T.Sakthikumaran

ORDER

The order of recovery issued by the respondent is sought to be quashed.

2. The writ petitioner was appointed as Helper Trainee on compassionate ground and thereafter, promoted to the post of Commercial Assistant. He was further promoted to the post of Technical Assistant and now working as Junior Engineer. The impugned order of recovery was issued without issuing any show-cause notice and opportunity to the writ petitioner to defend his case.

3. The learned counsel for the writ petitioner made a submission that even the reasons for the recovery are not furnished to the writ petitioner before issuing the impugned order.



4. This Court is of the considered opinion that any order affecting the service condition of the employee must be issued only after providing an opportunity to such employee. No order can be passed by the authorities without providing an opportunity to defend the case. The principles of natural justice requires an opportunity, which is mandatory. In the present case, the respondent is unable to establish that such an opportunity was provided to the writ petitioner. Thus, this Court is of the opinion that the case is to be remanded back for reconsideration by providing an opportunity to the writ petitioner.

5. Accordingly, the impugned order passed by the respondent in proceedings No. Ku.Aa.No.03989/Oo.Ni.A./Pa.Pi/Udhavi3/Ko.Thanikkai/2014, dated 27.05.2014, is quashed and the matter is remanded back to the respondent to issue a show-cause notice setting out the facts and details and after receiving explanations from the writ petitioner, appropriate decision is to be taken as expeditiously as possible. The entire exercise is to be done within the period of 12 weeks from the date of receipt of a copy of this order. Accordingly the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To
The Superintending Engineer,
TNEB / TANGEDCO,
Pudukottai Electricity Distribution Circle,
Pudukottai,
Pudukottai District.

+1 CC to M/s.GP (SR-19581[F] dated 09/10/2020)

+1 CC to M/s.T. SAKTHIKUMARAN, Advocate (SR-19486[F] dated 08/10/2020)

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ns (CO)

TR(16.10.2020) 2P 4C