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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.A. No. 590 of 2022

M.T. Selvaraj

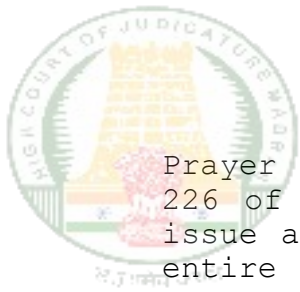
..Appellant/Petitioner

Vs.

1. The Secretary to Government of
Tamil Nadu,
Department of Electricity,
St. George Fort,
Chennai - 600 001.
2. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
3. The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai - 600 002.
4. The Enquiry Officer/Chief Engineer
(Distribution),
Chennai Region South,
Tamil Nadu Electricity Board,
No.802, Anna Salai,
Chennai - 600 002.
5. The Secretary,
Tamil Nadu Generation Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 2.

..Respondents

Prayer: Writ Appeal as against the order dated 02.11.2020 made
in W.P. No.11600 of 2013.



Prayer in W.P. No.11600 of 2013: Petition filed under Article 226 of the constitution of India praying this Hon'ble court to issue a Writ of Certiorarified Mandamus or Writ calling for the entire records in pursuant to the rejection order in (Permanent) F.B. TANGEDCO Proceedings No.32 dated 13.9.2011 issued by the 5th respondent Board rejecting the appeal dated 18.6.2011 preferred by the petitioner against the punishment order in (Permanent) CMD TANGEDCO Proceedings No.79 dated 12.5.2011 issued by the 3rd respondent based upon the enquiry report submitted to him by the 4th respondent and the consequent recovery order issued by the 5th respondent vide Memorandum (Per) No.18028/A16/A161/2011-6 dated 14.11.2011 and quash them and direct the respondents to refund the amount of Rs.2,25,045/- to the petitioner with interest within a stipulated time.

For Appellant :: Mr.N.Ilakkiya

For Respondents:: Mr.P. Anandakumar,
Govt. Advocate

J U D G M E N T

S. VAIDYANATHAN, J. AND MOHAMMED SHAFFIQ, J.

The present writ appeal is preferred challenging the order dated 02.11.2020 passed in W.P. No. 11600 of 2013 insofar as it denies grant of interest on the amount recovered from the appellant/writ petitioner.

2.The appellant filed the writ petition challenging the order of recovery of a sum of Rs.2,25,045/- vide order dated 14.11.2011 and to refund the said amount to the appellant/writ petitioner along with interest within a stipulated time.

3.The learned Single Judge, after considering the submissions of the learned counsel on either side, while setting aside the order of punishment as well as the recovery order, directed the respondent Board to refund the amount of Rs.2,25,045/- recovered from the petitioner, however, declined to grant interest, which has given rise to the present writ appeal, at the instance of the writ petitioner.

4.According to the learned counsel for the appellant, when the writ petition has been allowed setting aside the punishment imposed on the appellant and the amount recovered has also been directed to be refunded, the learned Judge ought not to have denied interest on the refundable amount and further, non-grant of interest is also not supported by reasons in the impugned



order.

5. Heard the learned Government Advocate for the respondents.

6. Though normally, in respect of any amount payable to an employee, interest is payable, probably, taking note of the pandemic situation, the learned Single Judge would have thought it fit not to grant interest on the amount to be refunded. But for the pandemic situation, even we would have awarded at least 6% interest. Therefore, the appellant has to be rest satisfied that, given the present circumstances, he is getting the principal amount and going by the submission of the learned counsel for the appellant, the said amount of Rs.2,25,045/- has already been paid by the Board to the appellant. We find no reasons to interfere with the order under challenge and the writ appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

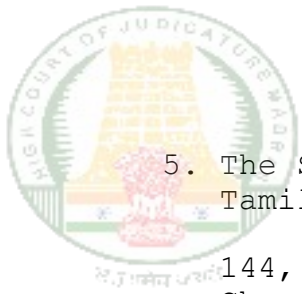
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Sub Assistant Registrar

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To

1. The Secretary to Government of
Tamil Nadu,
Department of Electricity,
St. George Fort, Chennai - 600 001.
2. The Chairman,
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5. The Secretary,
Tamil Nadu Generation Distribution
Corporation Ltd.,
144, Anna Salai,
Chennai - 2.

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+1cc to Mr.T.P.Prabakaran, Advocate, S.R.No.17721

W.A. No. 590 of 2022

SV (CO)
RGA (30/03/2022)