



WEB COPY



W.P.No.17291 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.17291 of 2018
and W.M.P.No.20569 of 2018

N.Mani

...Petitioner

-Vs-

1.The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Mount Road, Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation,
Tiruvannamalai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in கடித எண் மே.பொ./நிபி.5/நி.உ.3./கோ.தணிக்கை/2017, dated 13.04.2018 and quash the same.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.K.Rajkumar



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4. Per contra, the learned counsel for the respondents placed reliance on a decision of the Hon'ble Supreme Court in the case of ***High Court of Punjab & Haryana Vs. Jagdev Singh*** reported in (2016) 14 SCC 267 and submitted that the White Washer's case is not applicable to the petitioner and that since the petitioner was aware that excess payment has been made, the same can be recovered.

5. The ratio laid down in *Jagdev Singh's case* is that when the officer to whom the excess payment has been made in the first instance was clearly placed on notice and any payment found to have been made in excess would be required to be refunded, then the ratio laid down in White Washer's case will not be made applicable.

6. Admittedly, the respondent had not placed on notice to the petitioner that the excess payment would be required to be refunded. In the absence of the same, the decision in *Jagdev Singh's case* would not be applicable.

7. The impugned order is also likely to be set aside on the ground of violation of principles of natural justice. As stated earlier, the petitioner herein



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had retired from service on 31.12.2015 and after about three years, the respondents have passed the present impugned order without any prior notice calling for his objections. On this ground also, the petitioner is entitled to succeed.

8. For all the foregoing reasons, the impugned order dated 13.04.2018 passed by the second respondent is quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2022

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk



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- To
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M.S.RAMESH,J.

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