



W.P.No.31317 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31317 of 2017
and
W.M.P.Nos.34402 & 34403 of 2017

C.Raghu

...Petitioner

Vs.

The Superintending Engineer (O &M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Dharmapuri Electricity Distribution Circle,
Dharmapuri, Dharmapuri District.

..Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Ku.Aa.No.Mae.Po/Ni.Pi.2/U.3/Ko.Audit Paper.3/2015, dated 01.09.2017 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.P.Subramanian
Standing counsel for TANGEDCO



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ORDER

WEB COPY The order of recovery to recover the excess payment of Subsistence Allowance is under challenge in the present writ petition.

2. The petitioner states that he was working as Junior Engineer in the respondent Electricity Board. He was implicated in a criminal case by the Department of Vigilance and Anti-Corruption and a criminal case was registered. The petitioner was placed under suspension and during the period of suspension, the respondents paid an excess amount of Subsistence Allowance by mistake and the said amount is sought to be recovered through the impugned order.

3. The impugned order reveals that the Subsistence Allowance, for which, the petitioner was entitled, was sanctioned excessively by way of miscalculation. Thus, the order of recovery was issued. However, the order impugned dated 01.09.2017 was subsequently modified and further, the order was passed in proceedings dated 12.09.2017. Accordingly, the petitioner had received a sum of Rs.5,97,021/- as excess amount of Subsistence Allowance. The said order is not under challenge in the present



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writ petition. During the pendency of the writ petition, the petitioner was convicted in the criminal case in Special Calender Case No:04 of 2010 dated 31.03.2021. Consequent to the conviction by the Criminal Court of law, the petitioner was removed from service by the respondent with effect from 21.06.2021.

4. This being the factum, this Court is of the considered opinion that the petitioner is not entitled for the relief on the ground that he has not challenged the revised recovery order issued in proceedings dated 12.09.2017. Since the revised recovery order was issued, the earlier order became lapsed.

5. Thus, the petitioner is not entitled for any further relief and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.09.2022

Index : Yes
Speaking order: Yes
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To

The Superintending Engineer (O &M)
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Tamil Nadu Electricity Board,
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S.M.SUBRAMANIAM, J.

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