



W.P. No.33222 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33222 of 2022 and
W.M.P. Nos.32647 and 32648 of 2022

M.Stella Mary Bhavani

... Petitioner

VS.

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Energy Department,
Fort St. George,
Secretariat,
Chennai 600 002.

2.The Chairman & Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
NPKRR Maaligai, 10th Floor,
144, Anna Salai,
Chennai – 600 002.

3.The Secretary,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.

4.The Deputy Secretary/
Personnel Secretariat Branch,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned notice issued by the fourth respondent in Memorandum No.33814/A3/A31/2021-6 dated 18.11.2022 and to quash the same.

For petitioner : Mr.G.Sankaran

For respondents : Mr.D.Ravichander,
Special Government Pleader
for R1

Mr.K.Rajkumar,
Standing Counsel
for R2 to R4

ORDER

This writ petition has been filed challenging the show cause notice dated 18.11.2022 issued to the petitioner by the fourth respondent.

2.As per the show cause notice, the petitioner has been directed to submit her explanation within a period of fifteen days for reverting her to the post of Assistant Section Officer with retrospective effect i.e., from 01.11.2019. The petitioner has challenged the impugned show cause notice on the ground that the respondents have pre-determined the issue by observing that they have decided to revert the petitioner as an Assistant Section Officer with retrospective effect i.e., from 01.11.2019, in paragraph No. 6 of the impugned show cause notice.



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3.Learned Standing Counsel appearing for the respondents would now submit that the respondents have not pre-determined the issue, though an observation as stated supra has been made in paragraph 6 of the impugned show cause notice that the respondents have decided to revert the petitioner as Assistant Section Officer with retrospective effect i.e. from 01.11.2019 and also make necessary recovery in respect of the excess payment and other benefits, which was earlier paid to the petitioner.

4.Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.D.Ravichander, learned Special Government Pleader, who accepts notice on behalf of the first respondent and Mr.K.Rajkumar, learned Standing Counsel, who accepts notice for respondents 2 to 4.

5.Since a categorical submission has been made by the respondents that they have not pre-determined the issue, the question of interfering with the show cause notice by this Court at this stage will not arise. The petitioner will have to necessarily reply and shall submit her explanation/objection relying upon the rules, which she has relied upon in the affidavit filed in support of the writ petition to the respondents and it is for the respondents to consider the same, on merits and in accordance with law and decide as to whether the action contemplated is correct or not.



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6.No prejudice would be caused to the respondents if a direction is issued to them to consider the explanation to be submitted by the petitioner, on merits and in accordance with law and only thereafter, the respondents are allowed to pass final orders with regard to the reversion of the petitioner to the post of Assistant Section Officer with retrospective effect from 01.11.2019 and also with regard to the recovery of the alleged excess payment made to her earlier.

7.For the foregoing reasons, this Court directs the petitioner to submit her explanation to the impugned show cause notice dated 18.11.2022 stating her objections to the same, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the said explanation, the fourth respondent shall pass final orders, on merits and in accordance with law, after giving due consideration to the explanation submitted by the petitioner within a period of twelve weeks thereafter.

8.With the aforesaid direction, this writ petition stands disposed of. Consequently, connected W.M.Ps stand closed. No costs.

09.12.2022

vga



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To

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ABDUL QUDDHOSE, J.

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