



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.9819 of 2021 and

W.M.P (MD) .Nos.7543 & 7544 of 2021

- 1.M.Ramasamy
- 2.L.Pandimuniyandi
- 3.D.Sundaramoorthy
- 4.T.Muthukrishnan
- 5.M.Thavamani
- 6.M.Chandresekaran
- 7.M.Jeyakumar
- 8.T.Kannan
- 9.S.Ponnirulam
- 10.J.Muthuraj
- 11.A.Narayanan
- 12.N.Murugavel
- 13.P.Chellamuthu
- 14.R.Prakash

... Petitioners

Vs.

- 1.The Chief Engineer (Personnel),
Tamil Nadu Generation and Power Distribution,
Corporation Limited (TANGEDCO),
N.P.K.R.R. Maligai, 144, Anna Salai,
Chennai-600 002.
- 2.The Superintending Engineer (Distribution),
Tamil Nadu Generation and Power Distribution,
Corporation Limited (TANGEDCO),
Virudhunagar Electricity Distribution Circle,
Virudhunagar District.
3. The Executive Engineer (Distribution),
Tamil Nadu Generation and Power Distribution,
Corporation Limited (TANGEDCO),
Aruppukottai, Virudhunagar District.



4.The Assistant Audit Officer,
Audit Branch/A.P.No.3,
Tamil Nadu Generation and Power Distribution,
Corporation Limited (TANGEDCO),
Tirunelveli Region, Tirunelveli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order of recovery passed by the 3rd respondent in his proceedings in Ka.No:Se.Po/Pa/Aruvai/Ka.Me/Ka.Vu.5/Ko.Va.Thanikkai/A.No.259/21 dated 9.4.2021 and quash the same and consequently forbearing the respondents from any manner effecting recovery based on the proceedings of the 3rd respondent dated 9.4.2021 as well as audit report submitted by the 4th respondent dated 10.3.2021 from the salary of the petitioners within the time stipulated by this court.

For Petitioners : Mr.G.Thalaimutharasan

For Respondents : Mr.S.Arivalagan

O R D E R

The impugned order of recovery dated 09.04.2021 was issued based on the audit objection raised by the audit party.

2. Without assigning any reason, the impugned order of recovery has been issued. No opportunity was provided to the petitioners to defend their case. Thus, the order impugned is in violation of the principles of natural justice. Any order affecting the rights of the employees is to be passed only after providing an opportunity to defend their case.

3. This being the basic principles, the case is to be remanded back for fresh consideration. Accordingly, the order impugned passed by the third respondent in proceedings No.Ka.No.Se.Po/Pa/Aruvai/Ka.Me/Ka.Vu.5/Ko.Va.Thanikkai/A.No.259/21 dated 9.4.2021 is quashed and the matter is remanded back to the third respondent for issuing show cause notice to the petitioners within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show cause notice, the petitioners are at liberty to submit their explanations/objections within a period of two weeks from the date of receipt of a copy of the show cause notice. Thereafter, the respondents shall consider the explanation and the relevant documents, and pass appropriate orders on merits and in accordance with law as expeditiously as possible.



4. Accordingly, the Writ Petition stands allowed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

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Tamil Nadu Generation and Power Distribution,
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W.P.(MD) No.9819 of 2021

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MGJ(17.03.2022) 3P 5C