



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10089 of 2019 and

W.M.P. (MD) .No.7855 of 2019

WEB COPY

D.Sukumaran

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO (Distribution),
Sivagangai District.

2.The Executive Officer,
TANGEDCO (Distribution)
Karaikudi, Sivagangai.

3.The Assistant Electrical Engineer,
TANGEDCO (Distribution)
Karaikudi, Sivagangai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order of the second respondent in ref.Ku.AA.No.Se.Po./Pa/Karai/Ka.Me./Ko.Thanikkai/A.No.459/2019 dated 13.03.2019 quash the same to the petitioner only.

For Petitioner : Mr.Muthukumaran

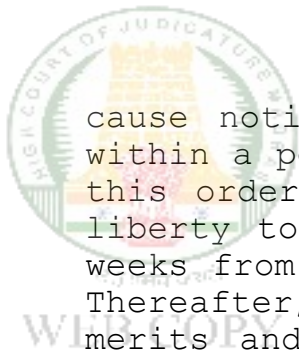
For Respondent : Mr.S.Arivalagan

ORDER

The petitioner was initially appointed as Helper by direct recruitment in TANGEDCO. He was promoted as Wireman and thereafter as Line Inspector. The order impugned dated 13.03.2019 was issued to recover the excess payment of pay and allowance to the petitioner, based on the audit objection.

2. The petitioner states that the order of recovery impugned has been passed without even issuing any show cause notice and opportunity to the writ petitioner. The learned counsel appearing for the respondent is unable to establish that the show cause notice was issued to the petitioner. Thus, the order impugned is in violation of the principles of natural justice.

3. Accordingly, the order impugned passed by the second respondent in proceedings dated 13.03.2019 is quashed and the matter is remitted back. The second respondent is directed to issue a show



cause notice setting out the facts and details to the petitioner within a period of four weeks from the date of receipt of a copy of this order. On receipt of show cause notice, the petitioner is at liberty to submit his objection/explanation within a period of two weeks from the date of receipt of a copy of this show cause notice. Thereafter, the second respondent shall consider the issues on merits and in accordance with law and pass appropriate orders as expeditiously as possible.

4. With these directions, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The Superintending Engineer,
TANGEDCO(Distribution),
Sivagangai District.
- 2.The Executive Officer,
TANGEDCO (Distribution)
Karaikudi, Sivagangai.
- 3.The Assistant Electrical Engineer,
TANGEDCO (Distribution)
Karaikudi, Sivagangai.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-7205[F]
dated 18/02/2022)

W.P.(MD) No.10089 of 2019

18.02.2022

TP(CO)

GC(05.03.2022) 2P 5C