



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.8327 of 2019

and

W.M.P. (MD) No.6516 of 2019

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T.Narasimman

... Petitioner

vs.

1.Tamil Nadu Generation and,
Distribution Corporation Ltd.,
rep.by its Chairman cum,
Managing Director,
No.144, Anna Salai,
Chennai-600 002.

2.The Secretary,
TNEB/TANGEDCO,
No.144, Anna Salai,
Chennai-600 002.

3.The Internal Audit Officer,
TNEB/TANGEDCO,
Board Office, Audit Branch,
1st Floor, NPKRR Maligai,
No.144, Anna Salai,
Chennai-600 002.

4.The Superintending Engineer,
TNEB / TANGEDCO,
Madurai Electricity Distribution Circle,
1st Floor, K.Pudur,
Madurai-625 007,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned communication in Lr.No.06764/BOAB/F158/F8/F81/PPO/2016 dated 03/2016 on the file of the respondent No.3 and the consequential communication in Lr.No.043989/814/F8/F81/PPO.No.81285/2018 dated 02.01.2019 on the file of the respondent No.3 and quash the same as illegal and consequently direct the respondents to return the recovered amount to the tune of Rs.5312/- (Five thousand and three hundred and twelve only) within the time stipulated by this Court.



For Petitioner : Mr.S.Louis
For Respondents : Mr.S.Arivalagan for R1, R2 & R4
No appearance for R3

O R D E R

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The order of recovery is impugned in this writ petition.

2. The petitioner was working as Assistant and allowed to retire from service on 31.03.2011. Now, the petitioner is receiving pension. Whiles, the impugned order of recovery has been issued by the third respondent vide proceedings dated Nil, March, 2016 stating that there was an audit objection with reference to the excess payment made to the petitioner.

3. The learned counsel for the petitioner made a submission that no show cause notice has been issued to the petitioner to defend his case. This apart, excess amount, if at all paid, could not be recovered from the retired employee.

4. The learned Standing Counsel appearing for the respondent - Electricity Board is unable to establish that the Authorities have issued a show cause notice or provided an opportunity to the petitioner to defend his case in the manner known to law.

5. Thus, the impugned order is in violation of the principles of natural justice. That apart, recovery cannot be imposed, in respect of excess payment, from the retired employee. The petitioner was working as Assistant, which falls under the category of Class-III and therefore, excess amount, even if paid, cannot be recovered, more so after the retirement of the employee. This being the principles settled by the Courts, the orders impugned in this writ petition are liable to be quashed.

6. Accordingly, the writ petition is allowed and the impugned order dated Nil.March, 2016, and the consequential communication dated 02.01.2019, issued by the third respondent are quashed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk



+1 CC to M/s.S.ARIVALAGAN, Advocate (SR-6051[F] dated 14/02/2022)

+1 CC to M/s.S.LOUIS, Advocate (SR-5769[F] dated 11/02/2022)

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