



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.17595 of 2021 and
W.M.P(MD).Nos.14492 & 14493 of 2021

A.Jothilakshmi

... Petitioner

Vs.

1.The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai-600002.

2.The Secretary
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai-600002.

3.The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd,
144, Anna Salai, Chennai- 600002.

4.The Chief Internal Audit Officer,
Tamil Nadu Generation and Distribution
Corporation Ltd,
144, Anna Salai, Chennai-600002.

5.The Superintending Engineer (O and M),
Tamil Nadu Generation and Distribution
Corporation Ltd,
Tuticorin Electricity Distribution Circle,
Tuticorin.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned Board Proceedings passed by the 1st Respondent in (Per) FB TANGEDCO Proceedings No.11 (Secretariat Branch) dated 30.03.2020 and quash Para No.5 and consequential recovery order passed by the 5th Respondent in Memo No.033/SE.TEDC/TTN/Adm.1/A.2/F.AS/2021 dated



31.08.2021 and quash the same and consequently direct the Respondents to grant existing pay to the Petitioner.

For Petitioner : Mr.M.Saravana Kumar
For Respondents : Mr.S.Arivalagan

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O R D E R

The order of recovery impugned issued in proceedings dated 31.08.2021 is under challenge in the present Writ Petition.

2. The respondents are unable to establish that a show cause notice was issued to the petitioner for the purpose of defending her case. Thus, the order impugned is in violation of the principles of natural justice. Any order affecting the rights of the employee should be passed only after providing an opportunity to defend their case.

3. In view of the facts and circumstances, the order impugned passed by the fifth respondent in proceedings dated 31.08.2021 is quashed and the matter is remanded back to the fifth respondent for issuing a show cause notice to the petitioner setting out all the facts and details 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 petitioner is at liberty to submit her explanation/objection within a period of two weeks from the date of receipt of a copy of the show cause notice. Thereafter, the fifth respondent 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 stand allowed in part. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
144, Anna Salai, Chennai-600002.

<https://hcservices.ecourts.gov.in/hcservices/>



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Corporation Ltd,
144, Anna Salai, Chennai-600002.
- 5.The Superintending Engineer (O and M),
Tamil Nadu Generation and Distribution
Corporation Ltd,
Tuticorin Electricity Distribution Circle,
Tuticorin.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-9608[F] dated 02/03/2022)
W.P.(MD) No.17595 of 2021

02.03.2022

KG(CO)
GC(21.03.2022) 3P 7C