



W.A.No.1630 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1630 of 2022

M.Sudalai

.. Appellant

Vs.

1. The Tamil Nadu Electricity Board
Rep. by its Chairman
114, Anna Salai, NPKRR Maligai
Chennai 2.
2. The Chief Engineer
Transmission, TNEB
144, Anna Salai, VI Floor
Chennai 2.
3. The Superintending Engineer
General Construction Circle-1
Tamil Nadu Electricity Board
Chennai 12.
4. The Executive Engineer
T.L.C TNEB
Senneerkuppam
Poonamallee, Chennai 52.



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5. The Assistant Executive Engineer
T.L.C. General Construction Circle
TNEB, Pennalur Village
Sriperumbudur Taluk
Kanchipuram District.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order 04.03.2022 made in W.M.P.No.35261 of 2019 in W.P.No.25953 of 2009.

For the Appellant : Mr.M.Sridhar

For the Respondents : Mr.D.David Sundar Singh

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.M.Sridhar, learned counsel for the appellant and Mr.D.David Sundar Singh, learned counsel for the respondents.

2. The present appeal is filed against the order of the learned Single Judge only to the extent of non grant of interest.

3. Learned counsel for the writ petitioner/appellant submits that the learned Single Judge has come to the conclusion that the amount recovered from the appellant was erroneous and had



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directed the respondents to refund the amount of Rs.1,98,876/- recovered from the appellant within two weeks. However, the learned Single Judge did not pass any order with regard to interest. An application was filed for modification. The same is rejected only on the ground that the appellant had approached for modification after six months.

3. Learned counsel for the appellant submits that for a period of 11 years, the respondents had illegally retained the amount of the appellant. The learned Single Judge also came to the conclusion that it was illegal on the part of the respondents to retain the amount. In that event, interest should follow.

4. Learned counsel for the respondents submits that the respondents had not retained the amount illegally. The appellant was responsible for the loss caused to the respondents. As such, the order was passed to recover the amount. The recovery ordered by the respondents was not erroneous.



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5. An inquiry was initiated against the appellant. The inquiry report was submitted. The appellant was not held to be guilty of the charges. In fact, the learned Single Judge came to the conclusion that instead of dropping the charges, the third respondent passed the order of recovery dated 28.04.2008. The second charge that the appellant had misappropriated the Board's material to the tune of Rs.1,98,876/- was found false. The impugned order seeking to recover the said amount is held to be wholly unsustainable by the learned Single Judge. In the light of that, the said amount was retained by the respondents erroneously.

6. The appellant was deprived of the use and enjoyment of the said amount for almost 11 years. In that event, the interest should necessarily follow. The respondents would be required to pay interest in such cases.

7. Though we hold that the appellant is entitled to interest, we reject the request of the appellant for interest at the rate of 18%



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per annum. However, we observe that the respondents would be liable to pay reasonable rate of interest.

8. In the result, we pass the following order:

The order of the learned Single Judge is modified to the extent that the appellant would be entitled to Rs.1,98,876/- with interest at the rate of 7% per annum (simple interest) from June 2008, till the date of payment of compensation i.e. 21.06.2019. The said interest amount shall be calculated and paid to the appellant within a period of six weeks from today.

9. The writ appeal is partly allowed. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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