



W.P(MD)No.10998 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10998 of 2023

and

W.M.P.(MD)Nos.9635 & 9641 of 2023

P.Karuppasamy

... Petitioner

Vs.

**1.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO/TNEB,
Maharaja Nagar,
Tirunelveli District-11.**

**2.The Executive Engineer,
(Distribution),
TANGEDCO/TNEB,
NGO Colony,
Sankarankoil,
Tenkasi District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Ku.Aa.No.00785/51/NePe-IV/ou1/Koo.o.Na/2022, dated 01.04.2023 (served on 12.04.2023) on the file of the first respondent and quash the same as illegal insofar as the order of recovery of Rs.11,59,127/- with interest from the petitioner's salary forthwith.



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For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

2. The petitioner challenges the impugned order whereby recovery has been ordered. The service regulation governing TANGEDCO employees is clear to the effect that before imposing such penalty, an employee must be given opportunity. In this case, no such opportunity was given. On this technical ground of violation of principles of natural justice, the recovery order alone is set aside. An employer is given liberty to proceed afresh on merits and in accordance with law. All other contentions of the writ petitioner are left.

3. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

06.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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