



W.P.(MD)Nos.11375 and 11380 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.11375 and 11380 of 2021

and

W.M.P(MD)Nos.10355 & 10365 of 2018

and

W.M.P(MD)Nos.18667 and 18668 of 2021

W.P(MD)No.11380 and 2018:

K.Ilayaraja	... Petitioner in W.P(MD)No.11375 of 2018
R.Jeyaseelan	... Petitioner in W.P(MD)No.11380 of 2018

Vs.

1.The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Kumbakonam North,
Kumbakonam Taluk, Thanjavur District.

2.The Assistant Engineer,
Operation and Maintenance,
Chettimandapam, Kumbakonam North,
Thanjavur District. ... Respondents/Respondents

Common Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call



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for the records relating to the impugned order bearing Ku.No.UniA/Nime/Niu.1/Go.Audit/No.388/2018 dated 24.04.2018 issued by the first respondent and quash the same and consequently, direct the first respondent to repay the recovered amount to the petitioner which was effected on 30th April 2018 in pursuant to the impugned order.

(In both W.Ps)

For Petitioner

: Mr.K.Samidurai

For Respondents

: Mrs.M.Parameswari

COMMON ORDER

Since the issue arises in the writ petitions is one and the same, these writ petitions are disposed of, by way of this common order.

2. These writ petitions have been filed to quash the impugned orders bearing Ku.No.UniA/Nime/Niu.1/Go.Audit/No.388/2018, dated 24.04.2018 issued by the first respondent and consequently, to direct the first respondent to repay the recovered amount to the petitioners, which was effected on 30th April 2018 in pursuant to the impugned orders.



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3. The case of the petitioners is that they were initially appointed on 19.02.2011 as Assessor Grade II in the respondent Corporation as a Contract employee. Thereafter, they were brought into time scale of pay from 19.02.2012 and they have been discharging their duties without any remarks. The further case of the petitioners is that all the temporary contractual labours were brought into time scale of pay in the year 2012 including the petitioners and no-one was given with annual increments till 2016. Subsequently, the same was came into light in the audit objection during the year 2016. On the basis of the said audit report, the salary of the petitioners and others, were revised by giving annual increments and arrears as per revised pay scale was given to the petitioners in January, 2018. Subsequently, after a lapse of one year, the impugned recovery orders have been passed by the first respondent, on 24.04.2018 based on the subsequent audit objection. Challenging the same, the petitioners have filed these writ petitions with the aforesaid prayer.



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4. The learned counsel appearing for the petitioners would submit that there is violation of principles of natural justice as the impugned recovery orders have been passed without providing opportunity to the petitioners and hence, the impugned orders are liable to be set aside and prays for appropriate orders.

5. The learned standing counsel appearing for the respondents would fairly submit that no opportunity was given before passing the impugned orders and therefore, the impugned orders may be set aside and the matter may be remanded back to the first respondent for fresh consideration.

6. Recording the same, these writ petitions are allowed and the impugned orders of the first respondent bearing Ku.No.UniA/Nime/Niu. 1/Go.Audit/No.388/2018, dated 24.04.2018, are set aside and the matter is remanded back to the first respondent for considering the matter afresh. The first respondent is directed to pass orders afresh after providing opportunity to the petitioners, on merits and in accordance



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with law, within a period of twelve weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

28.02.2023

pm

NCC:Yes/No

Index:Yes/No

To

The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Kumbakonam North,
Kumbakonam Taluk,
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M.DHANDAPANI,J.

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