



W.P.(MD).No.25312 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.25312 of 2023

and

W.M.P(MD)No.21505 of 2023

C.Suganthi,
Inspector of Assessment,
Tamil Nadu Generation of Electricity
and Distribution Corporation Limited (TANGEDCO),
Tenkasi. ... Petitioner

Vs.

1.The Assistant Audit Officer,
TANGEDCO,
Tirunelveli Region,
Tirunelveli.

2.The Executive Engineer,
TANGEDCO,
Tenkasi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order of recovery passed by him in his proceedings in Ku.Aa.No. SePo/V/Tenkasi/U.Ni.A/Ka.Me/Ko.Thanikkai/A.No.1009/2003, dated



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22.05.2023 and the consequential impugned rejection order passed by the first respondent vide his proceedings in Ka.No.1830 and 1902/P.13408 and 1392/F.33/F337-1/Thili/U.Tha.04/21-03/22/2023, dated 30.08.2023 and quash the both as ultravires and arbitrary and consequently direct the respondents to refund the first installment of recovery effected in the month of September 2023.

For Petitioner : Mr.K.Gurunathan

For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

The present writ petition has been filed challenging the order, dated 30.08.2023, rejecting the request of the writ petitioner to consider her representation for not to recover any incentive increment that was already granted.

2. It could be seen from the typed set of papers that an order of recovery has been passed by the second respondent herein on 22.05.2023 based upon an audit objection.



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3. The learned Standing Counsel appearing for the respondents herein, on instructions, submits that they may be given liberty to issue show cause notice to the writ petitioner and after getting the explanation and after considering the explanation offered by the writ petitioner, they will pass orders.

4. In view of the above said submissions, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the second respondent herein. The second respondent shall issue a show cause notice enclosing a copy of the audit objection to the writ petitioner herein. After receipt of the said show cause notice, the writ petitioner is directed to submit her reply, within a period of two (2) weeks from the date of receipt of a copy of show cause notice. The second respondent is at liberty to pass orders after considering the explanation submitted by the writ petitioner. In case if the second respondent arrives at a finding that the incentive increment has been wrongly recovered, the already recovered amount shall be refunded.



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5. With the above said observation, this writ petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

19.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

Note: Issue order copy on 20.10.2023.

To

1.The Assistant Audit Officer,
TANGEDCO,
Tirunelveli Region,
Tirunelveli.

2.The Executive Engineer,
TANGEDCO,
Tenkasi.



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BTR

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