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W.P.No.33073 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33073 of 2013
and M.P.No.2 of 2013

T.G.Vittal Rao

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution
Corporation Limited
Rep.by its Chairman and Managing Director
NPKRR Maligai, 144, Anna Salai
Chennai – 02.

2.The Secretary, TANGEDCO Ltd.,
9th Floor, NPKRR Maligai
144, Anna Salai
Chennai – 02.

3.Chief Engineer (Personnel)
TANGEDCO Ltd.,
NPKRR Maligai
144, Anna Salai
Chennai – 02.

4.Chief Engineer (i/c)
Mettur Thermal Power Station
Mettur Dam – 06
Salem.



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5.The Superintending Engineer
Mettur Thermal Power Station
Mettur Dam – 06.

6.The Stores Controller
Mettur Thermal Power Station
Mettur Dam – 06.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the orders passed by the 2nd respondent bearing Letter No.75009/A18/A181/2012-1, dated 09.01.2013 and the consequential orders of the 5th respondent viz., ku.Aa.No.Me.Pa.Po/Ko(ma)nir/Nipi 5/003 Thani/2013 dated 11.02.2013 and memo No.002783/064/Nipi.1(4)/Ko.Koo.Po/2013 dated 22.02.2013 and quash the same.

For Petitioner : Mr.K.Krishnamoorthy

ORDER

This Writ Petition challenges the order dated 22.02.2013 in and by which, the additional charge allowance which was granted to the petitioner was sought to be recovered.

2. The Writ Petition is filed on the ground that when the payment has



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been made for no fault of the petitioner. Hence, on the principles laid down by the Hon'ble Supreme Court of India in the case of *State of Punjab Vs. Rafiq Masih*¹, interim order was granted in favour of the petitioner, by this Court.

3. Now, pending Writ Petition, the petitioner passed away. The amount was not recovered from him throughout his lifetime. The above said facts are recorded.

4. In view of the settled proposition held in *Rafiq Masih's case* (cited supra), this Writ Petition stands closed. No costs. Consequently connected miscellaneous petition is closed.

29.02.2024

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Index:No

Speaking Order: No

Neutral Citation: No

¹ AIR 2015 SC 696



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To

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Tamil Nadu Generation and Distribution
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D.BHARATHA CHAKRAVARTHY, J.,

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