



Writ Petition No.8911 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.8911 of 2024
and
W.M.P.Nos.9925 & 9926 of 2024

J.Indirani

... Petitioner

Vs.

- 1.Tamil Nadu Generation and Distribution Corporation Limited,
represented by the Chairman cum Managing Director,
NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
- 2.The Executive Engineer,
Office of the Executive Engineer,
O&M/South/Kanchipuram,
Tamil Nadu Generation and Distribution Corporation Limited,
Kanchipuram Circle,
Kanchipuram.
- 3.The Assistant Accounts Officer,
RB/South/TANGEDCO/KEDC,
Tamil Nadu Generation and Distribution Corporation Limited,
Kanchipuram Circle,
Kanchipuram.



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4.The Superintending Engineer,
KEDC/Kanchipuram,
Tamil Nadu Generation and Distribution
Corporation Limited,
Kanchipuram Circle,
Kanchipuram - 631 502.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order bearing No.KuNo./ni.pi/oo4/ko.Audit/No.3726/2024 dated 21.02.2024 issued by respondents 2 and 3, quash the same and consequently, direct the respondents to restore the additional increments and to refund the recovered amount.

For Petitioner : Mr.Anna Mathew

For Respondents : Mr.David Sundar Singh
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 21.02.2024 and for a consequential direction to the respondents to restore the increment granted to the petitioner and to restrain from recovering the amount that has already been paid to the petitioner.



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2. Heard Mr. Anna Mathew, learned counsel for petitioner and Mr. David Sundar Singh, learned Standing Counsel appearing for respondents.

3. The petitioner joined TANGEDCO in the year 1998 as a office helper on compassionate appointment. At the time of joining, the qualification of the petitioner was tenth standard fail. The qualification that is prescribed for appointment to the post of office helper is pass in eighth standard. Therefore, the petitioner had the necessary qualification for the post of office helper.

4. The petitioner, thereafter, passed tenth standard by writing examination after getting permission from the fourth respondent. The petitioner joined B.Com course through correspondence and completed the degree in the year 2018. On completion of the B.Com degree, the petitioner was entitled for increments. The petitioner also granted with two increments with effect from 24.06.2018.

5. The grievance of the petitioner is that all of a sudden, in the month of February 2024, the impugned proceedings dated 21.02.2024



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was served on the petitioner and the petitioner was informed that she is not eligible for the increment and consequently, the increment was withdrawn and the amount that was paid to the petitioner by way of increment was also sought to be recovered from the petitioner. It is under these circumstances, the present writ petition came to be filed before this Court.

6. When the matter was entertained on 01.04.2024, this Court ordered for stay of recovery alone and consequently, no recovery was made from the petitioner.

7. When the matter was taken up for hearing today, learned Standing Counsel appearing on behalf of respondents, through his written instructions, justified the action taken by the second respondent on the ground that the petitioner did not properly acquire the qualification of B.Com and therefore, it was contended that the petitioner is not entitled for the increment. As a consequence, whatever amount has been paid to the petitioner towards increment is also liable to be recovered.



8. In the considered view of this Court, the impugned proceedings dated 21.02.2024 has been issued by the second respondent based on an audit objection. If any such audit objection has been raised and the second respondent is inclined to follow up on such audit objection, the person against whom any action is sought to be taken pursuant to the audit objection must be necessarily put on notice and must be given an opportunity of hearing. The second respondent has straight away issued the impugned proceedings dated 21.02.2024 and has withdrawn the increment and also had ordered for recovery. This action taken by the second respondent has civil consequences and therefore, it is mandatory that principles of natural justice is followed. In the absence of the same, the impugned proceedings of the second respondent dated 21.02.2024 is liable to be interfered with by this Court.

9. In the light of the above discussion, the impugned proceedings of the second respondent dated 21.02.2024 is hereby quashed. If the second respondent is intending to stop the increment granted in favour of the petitioner and is intending to recover the amount, the second respondent shall put the petitioner on notice and give an opportunity to the petitioner before taking any further action in accordance with law.



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N.ANAND VENKATESH, J
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In the result, this Writ Petition stands allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

14.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

- 1.The Chairman cum Managing Director,
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Chennai - 600 002.
- 2.The Executive Engineer,
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O&M/South/Kanchipuram,
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