



WEB COPY



W.P.No.10204 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10204 of 2024
and W.M.P.No.11259 of 2024

E.Pazhani

.. Petitioner

Versus

1. The Chief Engineer,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Vellore - 6.
2. The Superintending Engineer,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Vellore - 6.
3. The Executive Engineer (O&M),
Vellore Electricity Distribution Circle,
Katpadi, Vellore.
4. The Junior Engineer,
Vellore Electricity Distribution Circle,
Gandhi Nagar/West, Vellore - 6.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari calling for the entire records connected with the impugned orders passed by the 3rd respondent in Memo



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No.169/EE/O&M/KPD/AADo/A1/FM/2024-1, dated 19.03.2024, served on 04.04.2024 and quash the same.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.K.Rajkumar

ORDER

This Writ Petition is filed challenging the order of the third respondent, dated 19.03.2024, in and by which, a recovery of a sum of Rs.3,75,724/- is ordered from the petitioner.

2. *Mr.S.N.Ravichandran*, learned Counsel for the petitioner, pointing out to the order of the first respondent, dated 28.06.2019, more specifically to paragraph No.2, would submit that the entire Audit Slip is erroneous and nothing can be recovered from the petitioner. He would also submit that in any event, no show-cause notice whatsoever was issued to the petitioner and no opportunity was given to represent his case. He would further submit that the order of promotion was served on the petitioner on 04.07.2019. Therefore, there is no infirmity in the grant of relief to the petitioner.



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3. *Mr.K.Rajkumar*, learned Counsel takes notice on behalf of the respondents. When a query has been put to the learned Counsel for the respondents as to whether any show-cause notice was issued to the petitioner or not, he is unable to point out the same. It can be seen from the impugned order itself that it only refers to the Audit Slip, dated 01.03.2024 and it does not refer to any show-cause notice. The learned Counsel would submit that the petitioner has obtained double benefit and therefore, the correction has rightly been made by the respondents.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. When it is the contention of the learned Counsel for the petitioner that the benefit was not wrongly given and no amount could be recovered and when the impugned order visits the respondents with the civil consequences i.e., ordering a recovery of a sum of Rs.3,75,724/-, the same cannot be done without affording an opportunity to the petitioner.



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6. In view thereof, this Writ Petition is allowed on the following terms

(i) The order, dated 19.03.2024 passed by the third respondent shall stand quashed. However, the third respondent will be at liberty to issue a fresh show-cause notice to the petitioner and if and when such show-cause notice is issued, the petitioner is entitled to raise all the grounds in his explanation and the same shall be considered in accordance with law by the respondents.

(ii) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.04.2024

Index : yes
Speaking order
Neutral Citation : no
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

grs

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