



W.P.Nos.19587, 15283 of 2020 batch etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM:

**THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.Nos.19587, 15283, 15291, 15293, 15303, 15307, 15535, 15542, 15611,  
16618, 15104, 19364 & 16593 of 2020**

**and**

**W.M.P.Nos.24206, 19112, 19113, 19119, 19120, 19123, 19125, 19131,  
19132, 19137, 19139, 19395, 19396, 19400, 19401, 19465, 19466, 20619,  
20620, 18831, 18833, 23952, 23955 & 20579 of 2020**

E.Malini

...Petitioner  
in W.P.No.19587 of 2020

G.Ratchaganathan

...Petitioner  
in W.P.No.15283 of 2020

P.Manikandan

...Petitioner  
in W.P.No.15291 of 2020

V.Senthil

...Petitioner  
in W.P.No.15293 of 2020

V.Chandrakala

...Petitioner  
in W.P.No.15303 of 2020

I.Shahul Hameed

...Petitioner  
in W.P.No.15307 of 2020

N.Sasikala

...Petitioner  
in W.P.No.15535 of 2020

D.Sivakumar

...Petitioner  
in W.P.No.15542 of 2020

K.Saravanan

...Petitioner



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in W.P.No.15611 of 2020

...Petitioner  
in W.P.No.16618 of 2020

A.Paramasivam

...Petitioner  
in W.P.No.15104 of 2020

S.Santhi

...Petitioner  
in W.P.No.19364 of 2020

V.K.Arulmozhi

...Petitioner  
in W.P.No.19364 of 2020

-Vs-

1.The Chairman,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO), 144, Anna Salai,  
NKKR Maaligai, Chennai – 2.

2.The Joint Managing Director (Secretary)  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO), 144, Anna Salai,  
Chennai – 2.

3.The Chief Engineer/Personnel,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO), 144, Anna Salai,  
Chennai – 2.

4.The Chief Internal Auditor,  
Audit Branch,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO), Chennai – 2.

...Respondents  
in all writ petitions

5.The Deputy Chief Internal Audit Officer,  
Tamil Nadu Generation & Distribution Corporation Ltd



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(TANGEDCO),  
Coimbatore Region, Coimbatore.

...Respondent  
in W.P.Nos.15987, 15303,  
15307, 15535, 15542  
&16618 of 2020

6.The Deputy Chief Internal Audit Officer,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO),  
Erode Region, Erode.

...Respondent  
in W.P.Nos.15283, 15291,  
15611, 15104, 19364  
& 16593 of 2020

7.The Deputy Chief Internal Audit Officer,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO),  
Trichy Region, Trichy.

...Respondent  
in W.P.No.15293 of 2020

**Prayer in W.P.No.19587 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 4<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-48 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, with retrospective effect and pass such further orders.

**Prayer in W.P.No.15283 of 2020:** Writ Petition filed under Article 226 of



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the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 5<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-38 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, with retrospective effect and pass such further orders.

**Prayer in W.P.No.15291 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 5<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-43 dated 03.09.2020 and Memo No.25622/1517/F.1/F.12/2020-44 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accountancy Lower Grade and Accountancy Higher Grade, B.com with retrospective effect and pass such further orders.

**Prayer in W.P.No.15293 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and



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FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 5<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-10 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, B.com with retrospective effect and pass such further orders.

**Prayer in W.P.No.15303 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 5<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-28 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, B.com with retrospective effect and pass such further orders.

**Prayer in W.P.No.15307 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 5<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-51 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment



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granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, with retrospective effect and pass such further orders.

**Prayer in W.P.No.15535 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 5<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-20 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, with retrospective effect and pass such further orders.

**Prayer in W.P.No.15542 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 5<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-34 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, with retrospective effect and pass such further orders.

**Prayer in W.P.No.15611 of 2020:** Writ Petition filed under Article 226 of



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the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 4<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-18 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, with retrospective effect and pass such further orders.

**Prayer in W.P.No.16618 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 4<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-55 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, B.Com with retrospective effect and pass such further orders.

**Prayer in W.P.No.15104 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential



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show cause notice issued by the 4<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-56 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, B.Com with retrospective effect and pass such further orders.

**Prayer in W.P.No.19364 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 4<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-8 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher Grade, B.Com with retrospective effect and pass such further orders.

**Prayer in W.P.No.16593 of 2020:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order passed by him in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notice issued by the 4<sup>th</sup> respondent in Memo No.25622/1517/F.1/F.12/2020-21 dated 03.09.2020 and quash the same and direct the respondents to dispense with the recovery of advance increment granted for passing the Accounts Test Lower Grade/Accountancy Higher



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Grade, B.Com with retrospective effect and pass such further orders.

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**For all Writ petitions**

For Petitioners : Mr.K.Venkataramani  
Senior Counsel  
for Mr.M.Muthappan

For Respondents : Mr.K.Raj Kumar  
Standing Counsel

**COMMON ORDER**

**Facts in W.P.No.19587 of 2020**

- a) The case of the Petitioner is that he is a Science graduate and entered service at TANGEDCO as Junior Auditor (internal selection) on 22.05.2017. The Petitioner was promoted as Auditor on 14.04.2018, and he was granted an incentive increment w.e.f. 21.08.2018 onwards. The Petitioner has also passed his Higher Exam on 11.02.2019.
- b) Incentive increments have been granted for possessing special qualifications in the Respondents department vide Ms.No.715 (SB) dated 30.04.1979, right from the year 1979 onwards, which was subsequently supported by the proceedings dated 21.11.1984 in G.O.Ms.No.1159 P&AR Department.
- c) As per the proceedings No.25 dated 24.05.2014, orders have been issued amending the TNEB Regulation in Annexure-III to Regulation



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54. Among other things, it has been ordered that from 24.05.2014, for appointment as Junior Assistant (administrative cadre) in the offices of Circles, the candidates must hold B.Com degree obtained from any of the Universities established by law and recognised by the University Grants Commission for the purpose of its grant recognised by the Government of Tamil Nadu for the purpose of appointment. But in respect of incentive increment, there are no orders or guidelines issued.

d) Pursuant to the same, the 2<sup>nd</sup> Respondent passed the impugned order in (Per) FB TANGEDCO Proceedings No.11 dated 30.03.2020, wherein the 2 incentive increments paid to the petitioner from 16.08.2016 are ordered to be recovered, for which the 5<sup>th</sup> respondent has issued a show cause notice dated 03.09.2020, as to why the advance increments paid w.e.f. 16.08.2016 should not be recovered, and if no reply is received from the Petitioner within the stipulated time, it will be considered that the Petitioner has no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020, the proceedings dated 24.05.2014 are given effect retrospectively. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.



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**Facts in W.P.Nos.16593, 15104, 15611, 15291 of 2020**

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- a) The case of the Petitioners is that they are B.Com graduates and entered the service as Junior Auditors in the respondents institution through an internal selection and were appointed to service on 16.08.2016 and were promoted as Auditors on 22.04.2017.
- b) Incentive increments have been granted for possessing special qualifications in the Respondents department vide Ms.No.715 (SB) dated 30.04.1979, right from the year 1979 onwards, which was subsequently supported by the proceedings dated 21.11.1984 in G.O.Ms.No.1159 P&AR Department.
- c) As per the proceedings No.25 dated 24.05.2014, orders have been issued amending the TNEB Regulation in Annexure-III to Regulation 54. Among other things, it has been ordered that from 24.05.2014, for appointment as Junior Assistant (administrative cadre) in the offices of Circles, the candidates must hold B.Com degree obtained from any of the Universities established by law and recognised by the University Grants Commission for the purpose of its grant recognised by the Government of Tamil Nadu for the purpose of appointment. But in respect of incentive increment, there are no orders or guidelines issued.
- d) Pursuant to the same, the 2<sup>nd</sup> Respondent passed the impugned order in

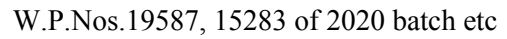


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(Per) FB TANGEDCO Proceedings No.11 dated 30.03.2020, wherein the 2 incentive increments paid to the petitioner from 16.08.2016 are ordered to be recovered, for which the 5<sup>th</sup> respondent has issued a show cause notice dated 03.09.2020, as to why the advance increments paid w.e.f. 16.08.2016 should not be recovered, and if no reply is received from the Petitioners within the stipulated time, it will be considered that the Petitioners have no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020, the proceedings dated 24.05.2014 are given effect retrospectively. Aggrieved by the same, the Petitioners have come up with the present Writ Petitions.

### **Facts in W.P.No.19364 of 2020**

- a) The case of the Petitioner is that he is a Commerce graduate and by process of selection conducted by TANGEDCO, was appointed as Junior Auditor (internal selection) on 30.08.2016 and was promoted as Auditor on 24.04.2017. The Petitioner got her advance increment on 01.01.2018.
- b) Incentive increments have been granted for possessing special



dated 30.04.1979, right from the year 1979 onwards, which was subsequently supported by the proceedings dated 21.11.1984 in G.O.Ms.No.1159 P&AR Department.

<https://www.mhc.tn.gov.in/judis>



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the Petitioner has no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020, the proceedings dated 24.05.2014 are given effect retrospectively. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.

### **Facts in W.P.No.16618 of 2020**

- a) The case of the Petitioner is that he is a Commerce graduate and by process of selection conducted by TANGEDCO was appointed as Junior Auditor (internal selection) on 29.06.2016 and was promoted as Auditor on 24.04.2017. The Petitioner was granted incentive increments for possessing a Commerce degree, w.e.f. 21.05.2017.
- b) Incentive increments have been granted for possessing special qualifications in the Respondents department vide Ms.No.715 (SB) dated 30.04.1979, right from the year 1979 onwards, which was subsequently supported by the proceedings dated 21.11.1984 in G.O.Ms.No.1159 P&AR Department.
- c) As per the proceedings No.25 dated 24.05.2014, orders have been issued amending the TNEB Regulation in Annexure-III to Regulation 54. Among other things, it has been ordered that from 24.05.2014, for



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appointment as Junior Assistant (administrative cadre) in the offices of

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Circles, the candidates must hold B.Com degree obtained from any of the Universities established by law and recognised by the University Grants Commission for the purpose of its grant recognised by the Government of Tamil Nadu for the purpose of appointment. But in respect of incentive increment, there are no orders or guidelines issued.

- d) Pursuant to the same, the 2<sup>nd</sup> Respondent passed the impugned order in (Per) FB TANGEDCO Proceedings No.11 dated 30.03.2020, wherein the 2 incentive increments paid to the petitioner from 16.08.2016 are ordered to be recovered, for which the 5<sup>th</sup> respondent has issued a show cause notice dated 03.09.2020, as to why the advance increments paid w.e.f. 16.08.2016 should not be recovered, and if no reply is received from the Petitioner within the stipulated time, it will be considered that the Petitioner has no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020, the proceedings dated 24.05.2014 are given effect retrospectively. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.

### **Facts in W.P.No.15542 of 2020**



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- a) The case of the Petitioner is that he is a graduate in Mathematics, and he was appointed based on merit and ability as Junior Auditor (internal selection) in the TANGEDCO and reported for duty on 30.08.16. The Petitioner was promoted as Auditor on 22.04.2017. The Petitioner has granted increments for passing Accountancy Lower as well as for passing Accountancy Higher.
- b) Incentive increments have been granted for possessing special qualifications in the Respondents department vide Ms.No.715 (SB) dated 30.04.1979, right from the year 1979 onwards, which was subsequently supported by the proceedings dated 21.11.1984 in G.O.Ms.No.1159 P&AR Department.
- c) As per the proceedings No.25 dated 24.05.2014, orders have been issued amending the TNEB Regulation in Annexure-III to Regulation 54. Among other things, it has been ordered that from 24.05.2014, for appointment as Junior Assistant (administrative cadre) in the offices of Circles, the candidates must hold B.Com degree obtained from any of the Universities established by law and recognised by the University Grants Commission for the purpose of its grant recognised by the Government of Tamil Nadu for the purpose of appointment. But in



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respect of incentive increment, there are no orders or guidelines issued.

d) Pursuant to the same, the 2<sup>nd</sup> Respondent passed the impugned order in (Per) FB TANGEDCO Proceedings No.11 dated 30.03.2020, wherein the 2 incentive increments paid to the petitioner from 16.08.2016 are ordered to be recovered, for which the 5<sup>th</sup> respondent has issued a show cause notice dated 03.09.2020, as to why the advance increments paid w.e.f. 16.08.2016 should not be recovered, and if no reply is received from the Petitioner within the stipulated time, it will be considered that the Petitioner has no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020, the proceedings dated 24.05.2014 are given effect retrospectively. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.

### **Facts in W.P.No.15535 of 2020**

a) The case of the Petitioner is that he is an Arts graduate and entered the service as a Junior Auditor in the respondents institution through an internal selection and appointed to service on 17.08.2016 and was promoted as Auditor on 24.04.2017. The Petitioner was granted incentive increment from 2017 onwards.



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b) Incentive increments have been granted for possessing special qualification in the Respondents department vide Ms.No.715 (SB)

dated 30.04.1979, right from the year 1979 onwards, which was subsequently supported by the proceedings dated 21.11.1984 in G.O.Ms.No.1159 P&AR Department.

c) As per the proceedings No.25 dated 24.05.2014, orders have been issued amending the TNEB Regulation in Annexure-III to Regulation 54, from among other things, it has been ordered that from 24.05.2014, for appointment as Junior Assistant (administrative cadre) in the offices of Circles, the candidates must hold B.Com degree obtained from any of the University established by law and recognised by the University Grants Commission for the purpose of its grant recognised by the Government of Tamil Nadu for the purpose of appointment. But in respect of incentive increment, there are no orders or guidelines issued.

d) Pursuant to the same, the 2<sup>nd</sup> Respondent passed the impugned Order in (Per) FB TANGEDCO Proceedings No.11 dated 30.03.2020, wherein the 2 incentive increments paid to the petitioner from 16.08.2016 is ordered to be recovered, for which the 5<sup>th</sup> respondent has issued a show cause notice dated 03.09.2020, as to why the advance increments paid



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w.e.f. 16.08.2016 should not be recovered and if no reply is received from the Petitioner within the stipulated time, it will be considered that the Petitioner has no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020 the Proceedings dated 24.05.2014 is given effect retrospectively. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.

#### **Facts in W.P.No.15307 of 2020**

- a) The case of the petitioner is that he is a Science graduate and he entered the service at TANGEDCO as Junior Auditor (internal selection) on 18.03.2017. The petitioner was due for promotion as Auditor during 2018 on his acquiring service qualification and also passing Accountancy Lower Grade on 10.08.2017 and Accountancy Higher Grade on 20.08.2018. Accordingly, though the petitioner was granted an incentive increment w.e.f. 21.8.2018 onwards, he has relinquished the post of Auditor for a period of three years.
- b) Incentive increments have been granted for possessing special qualifications in the Respondents department vide Ms.No.715 (SB) dated 30.04.1979, right from the year 1979 onwards, which was



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subsequently supported by the proceedings dated 21.11.1984 in

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- c) As per the proceedings No.25 dated 24.05.2014, orders have been issued amending the TNEB Regulation in Annexure-III to Regulation 54. Among other things, it has been ordered that from 24.05.2014, for appointment as Junior Assistant (administrative cadre) in the offices of Circles, the candidates must hold B.Com degree obtained from any of the Universities established by law and recognised by the University Grants Commission for the purpose of its grant recognised by the Government of Tamil Nadu for the purpose of appointment. But in respect of incentive increment, there are no orders or guidelines issued.
- d) Pursuant to the same, the 2<sup>nd</sup> Respondent passed the impugned order in (Per) FB TANGEDCO Proceedings No.11 dated 30.03.2020, wherein the 2 incentive increments paid to the petitioner from 16.08.2016 are ordered to be recovered, for which the 5<sup>th</sup> respondent has issued a show cause notice dated 03.09.2020, as to why the advance increments paid w.e.f. 16.08.2016 should not be recovered, and if no reply is received from the Petitioner within the stipulated time, it will be considered that the Petitioner has no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020, the



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proceedings dated 24.05.2014 are given effect retrospectively.

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### **Facts in W.P.No.15503 of 2020**

- a) The case of the Petitioner is that he is a Commerce graduate and entered the service in TANGEDCO by direct appointment and was appointed as Junior Auditor on 17.05.2017 and was promoted as Auditor and reported for duty on 13.04.2018. The Petitioner was granted incentive increments for possessing B.Com degree.
- b) Incentive increments have been granted for possessing special qualifications in the Respondents department vide Ms.No.715 (SB) dated 30.04.1979, right from the year 1979 onwards, which was subsequently supported by the proceedings dated 21.11.1984 in G.O.Ms.No.1159 P&AR Department.
- c) As per the proceedings No.25 dated 24.05.2014, orders have been issued amending the TNEB Regulation in Annexure-III to Regulation 54. Among other things, it has been ordered that from 24.05.2014, for appointment as Junior Assistant (administrative cadre) in the offices of Circles, the candidates must hold B.Com degree obtained from any of



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the Universities established by law and recognised by the University

Grants Commission for the purpose of its grant recognised by the Government of Tamil Nadu for the purpose of appointment. But in respect of incentive increment, there are no orders or guidelines issued.

d) Pursuant to the same, the 2<sup>nd</sup> Respondent passed the impugned order in (Per) FB TANGEDCO Proceedings No.11 dated 30.03.2020, wherein the 2 incentive increments paid to the petitioner from 16.08.2016 are ordered to be recovered, for which the 5<sup>th</sup> respondent has issued a show cause notice dated 03.09.2020, as to why the advance increments paid w.e.f. 16.08.2016 should not be recovered, and if no reply is received from the Petitioner within the stipulated time, it will be considered that the Petitioner has no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020, the proceedings dated 24.05.2014 are given effect retrospectively. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.

### **Facts in W.P.No.15293 of 2020**

a) The case of the petitioner is that he is an Arts Graduate and he entered the service as Assessor-II on 10.09.2007 in the Respondents



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Department. He was further promoted as Assessor on 25.02.2014. He was appointed as Junior Auditor in the respondents institution through an internal selection and appointed to service on 6.12.2014 and was further promoted as Auditor on 11.09.2015. He acquired B.Com degree qualification on 25.05.2017. The Petitioner was granted an incentive increment w.e.f. 26.05.2017 and further granted an incentive increment for passing the tests w.e.f. 1.07.2017.

- b) Incentive increments have been granted for possessing special qualifications in the Respondents department vide Ms.No.715 (SB) dated 30.04.1979, right from the year 1979 onwards, which was subsequently supported by the proceedings dated 21.11.1984 in G.O.Ms.No.1159 P&AR Department.
- c) As per the proceedings No.25 dated 24.05.2014, orders have been issued amending the TNEB Regulation in Annexure-III to Regulation 54. Among other things, it has been ordered that from 24.05.2014, for appointment as Junior Assistant (administrative cadre) in the offices of Circles, the candidates must hold B.Com degree obtained from any of the Universities established by law and recognised by the University Grants Commission for the purpose of its grant recognised by the Government of Tamil Nadu for the purpose of appointment. But in



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respect of incentive increment, there are no orders or guidelines issued.

d) Pursuant to the same, the 2<sup>nd</sup> Respondent passed the impugned order in (Per) FB TANGEDCO Proceedings No.11 dated 30.03.2020, wherein the 2 incentive increments paid to the petitioner from 16.08.2016 are ordered to be recovered, for which the 5<sup>th</sup> respondent has issued a show cause notice dated 03.09.2020, as to why the advance increments paid w.e.f. 16.08.2016 should not be recovered, and if no reply is received from the Petitioner within the stipulated time, it will be considered that the Petitioner has no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020, the proceedings dated 24.05.2014 are given effect retrospectively. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.

### **Facts in W.P.No.15283 of 2020**

a) The case of the Petitioner is that he is an Arts graduate (BA Economics) and was appointed on merits as a Junior Auditor (internal selection) at TANGEDCO on 29.8.2016. By seniority and merit, he was promoted as Auditor on 24.01.2017. The petitioner has passed the Lower Grade Accountancy Test as per the rules of appointment on





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cause notice dated 03.09.2020, as to why the advance increments paid w.e.f. 16.08.2016 should not be recovered, and if no reply is received from the Petitioner within the stipulated time, it will be considered that the Petitioner has no reply to offer and further action will be taken accordingly. As per the impugned order dated 30.03.2020, the proceedings dated 24.05.2014 are given effect retrospectively. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.

2. Learned senior counsel appearing for the petitioners would submit that the impugned order passed by the second respondent in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2023 has already been quashed by this Court in W.P.No.14432 of 2020. **Aggrieved by the said order, the respondents have preferred a writ appeal along with a petition to condone the delay of 115 days, which is in SR stage.**

3. A counter affidavit was filed on behalf of the respondents in December 2024 and the relevant paragraphs are extracted hereunder:

“6. It is submitted that Writ Petitions have been filed before the Hon'ble High Court of Madras and Madurai Bench vide W.P (MD) Nos.9892, 12355, 12356 and 14381 of 2020 and WMP (MD) Nos.8862 & 8864, 10565 to 10567, 10569 to 10571, 12026 to 12028/2020, Challenging the above



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Board's Proceedings, By common order dated: 31.01.2023, the Hon'ble Madurai Bench held as follows:-

- (i) "W.P.(MD)No.12355/2020 is allowed and the impugned order in respect of Ramamoorthy is set aside. It is made clear that the earlier increments paid to the petitioner for Accountancy lower and higher cannot be recovered from him.
- (ii) In so far as W.P(MD)Nos.9892,12356 and 14381 of 2020 are concerned, for the reasons stated supra, these writ petitions stand dismissed. However, this Court makes it clear that no retrospective recovery can be made and recovery can only be made after issuance of Board Proceedings dated 28.05.2020.
- (iii) However, there is no order as to costs. Consequently connected Miscellaneous Petitions are closed."

8. In yet another case, the Hon'ble Principal seat at Chennai has by its order dated: 06.03.2024 made in WP No. 14432 of 2020 held as follows:-

".....6. The above Writ Petition has been filed consequent to the passing of the Government Order in G.O.Ms.No.100, Energy (EZ) Department dated 19.10.2010 for trifurcation of the then TNEB. Having given such an undertaking, the terms and conditions of services of the existing members should not be affected.

7. The alleged Board Proceedings No.25 dated 24.05.2014 has been issued only subsequent to the order passed in W.P.No.24641 of 2010 dated 27.01.2011. So the petitioner challenges not only the recovery but also the refixation consequent to the impugned order dated 30.03.2020. Having given such an undertaking before the Court during the proceedings involved in G.O.Ms.No.100, Energy (EZ) Department dated 19.10.2010 and before the trifurcation was completed, it is unfair on the part of the respondents to pass any order to cancel B.P.Ms.No.750 dated 30.04.1979.

8. So the impugned order dated 30.03.2020 which cancelled the earlier double incentives given to the petitioner for acquiring B.Com degree pursuant to the settlement in B.P.Ms.No.750 dated 30.04.1979 is unfair and illegal. Since no recovery has been made so far, there need not be any order for refund.



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In the result, this Writ Petition is allowed and the impugned proceedings passed by the 1st respondent dated 30.03.2020 is hereby quashed. No costs. Consequently, connected Miscellaneous Petition is closed....."

9. These Respondents submit that in yet another case filed by Tmt.A.Vanitha, Assistant (Accounts) in W.P.No.20771 of 2024 the Hon'ble Principal Seat at Madras passed the following orders on 24.07.2024 at the time of admission even without Counter which reads as follows:-

".....The impugned orders dated 30.03.2020, 19.02.2024, 15.05.2024 and 30.05.2024 passed by 2<sup>nd</sup>, 6<sup>th</sup>, 3<sup>rd</sup> & 4<sup>th</sup> respondents are quashed. The matter is remanded back to the respondents to calculate the sum of recovery from 30.03.2020 and recover the two incentive increments which were paid to the petitioner by 10 installments within a period of 2 weeks from the date of receipt of a copy of this order.

WP is allowed and connected Miscellaneous Petitions are closed....." "

4. Heard both sides and perused the materials available on record.

5. In view of the above facts and circumstances of the case and the above order passed by this Court in a similar W.P.No.14432 of 2020 and W.P.No.20771 of 2024, the impugned order passed by the second respondent in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020 and the consequential show cause notices issued by the fourth respondent in Memo Nos.25622/1517/F.1/F.12/2020-48, 25622/1517/F.1/F.12/2020-18, 25622/1517/F.1/F.12/2020-55, 25622/1517/F.1/F.12/2020-56, 25622/1517/F.1/F.12/2020-8, 25622/1517/F.1/F.12/2020-21, dated 03.09.2020 and the fifth respondent in Memo Nos.25622/1517/F.1/F.12/2020-38, 25622/1517/F.1/F.12/2020-43,



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25622/1517/F.1/F.12/2020-44,

25622/1517/F.1/F.12/2020-10,

25622/1517/F.1/F.12/2020-28,

25622/1517/F.1/F.12/2020-51,

25622/1517/F.1/F.12/2020-20, 25622/1517/F.1/F.12/2020-34 dated

03.09.2020 are liable to be quashed accordingly the same are hereby quashed,

and this Court is inclined to pass the following directions:

- i. Respondents 4, 5, 6 and 7 are directed to issue a fresh notice to the petitioners within a period of four weeks from the date of receipt of a copy of this order.
- ii. On receipt of such notice, the petitioners are directed to submit their explanations/replies/objections within a period of four weeks thereof.
- iii. On receipt of such explanations/replies/objections, respondents 4, 5, 6 and 7 shall consider the same subject to the outcome of the judgment in writ appeal, which has been filed challenging the order passed by this Court in W.P.No.14432 of 2020 quashing the impugned order passed by the second respondent in (Per) and FB TANGEDCO proceedings No.11 dated 30.03.2020.

In the result, the **writ petition stands disposed of with the above observations and directions.** No costs. Consequently, connected miscellaneous petitions are closed.



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**16.12.2024**

cda

Index: Yes/No

Speaking/Non Speaking order

To

1.The Chairman,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO), 144, Anna Salai,  
NKKR Maaligai, Chennai – 2.

2.The Joint Managing Director (Secretary)  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO), 144, Anna Salai,  
NKKR Maaligai, Chennai – 2.

**J.SATHYA NARAYANA PRASAD, J.**

cda

3.The Chief Engineer/Personnel,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO), 144, Anna Salai,  
NKKR Maaligai, Chennai – 2.

4.The Chief Internal Auditor,  
Audit Branch,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO), Chennai – 2.

5.The Deputy Chief Internal Audit Officer,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO),  
Coimbatore Region, Coimbatore.

6.The Deputy Chief Internal Audit Officer,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO),  
Erode Region, Erode.



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7. The Deputy Chief Internal Audit Officer,  
Tamil Nadu Generation & Distribution Corporation Ltd  
(TANGEDCO),  
Trichy Region, Trichy.

**W.P.Nos.19587 of 2020**

**16.12.2024**