



WEB COPY



W.P.No.18855 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.18855 of 2020

and

W.M.P.Nos.23441 & 23444 of 2020

M.Muthuraja Kumar

....Petitioner

Vs

1. Chairman Cum Managing Director,
TANGEDCO
No.144, NPKRR Maaligai, 10th Floor,
Anna Salai, Chennai – 600 002.
2. Executive Engineer
Kundah Power Station,
Kundah Bridge Post,
The Nilgiris -643 219
3. Assistant Engineer/Construction
Kundah Power Station -2
Nilgiris – 643 219
4. Asistant Executive Engineer
Construction, Hydro Power Plant
Emerald, Kundah,
Nilgiris -643 209.
5. Superintending Engineer
Kundah Generation Circle,
Kundah Bridge Post,
The Nilgiris-643 219.

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India,



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pleased to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 20.06.2020 vide Ka.No/U.Po/Ka/MiNi2/Ko.k/A.No 46/2020 passed by the 3rd respondent and consequential order of recovery dated 02.07.2020 vide K.No/S.P/K.M.N.2/K.K/A.No/288/22020 on the file of the 2nd Respondent herein and quash the same as illegal and consequently direct the respondents to allot quarters to the petitioner in Porthimund,

For Petitioner : Mr.K.Kulandaivelu
For Respondents : Mr.David Sudan Singh
Additional Government Pleader

ORDER

The impugned Writ Petition has been filed challenging the impugned order dated 02.07.2020 and the consequential recovery order

2. The learned counsel for the petitioner would vehemently submit that the impugned order suffers infirmity as no notice was issued in accordance with principles of natural justice.

3. The learned counsel for the respondent vehemently submits that, petitioner have been unauthorizedly occupying the quarters inspite of his transfer, therefore on following the due procedure, ordered for recovery of penal rents were issued. Therefore, there are no merits in the petition.



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4. This Court has carefully perused the impugned order dated 02.07.2020, through which, this Court could not find any material so as to infer the issuance of notice prior to passing the impugned order. It is pertinent to mention here that the order of recovery from the monthly salary would have serious consequences upon the rights of an individual. Therefore, before passing the order of recovery, it is mandatory on the part of the respondent to issue notice.

5. Accordingly, this Court finds some force in the submission made by the learned counsel for the petitioner. It is in this background, I deem it appropriate to quash the recovery order and remit back the matter to the respondent, to decide the matter afresh in accordance with law and after calling for an explanation from the petitioner.

6. In the result, the Writ Petition is allowed and the impugned notice dated 02.07.2020 is quashed and the matter is remitted back to the respondent with a direction to issue notice to the petitioner and after receiving explanation from petitioner, the respondent is directed to decide the quantum of rent in accordance with law and applicable rules. No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes/No

Neutral Citation : Yes

Speaking order : Yes

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To

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C.KUMARAPPAN, J

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