



WEB COPY

W.A.Nos. 2773 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.10.2024

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.A.No. 2773 of 2024

K.Ambika Boopathy

.. Appellant

Vs

1. The Chairman

Tamilnadu Electricity Board

(Now TANGEDCO)

10th Floor, N.P.K.R.R.Maligai,

144, Annasalai, Chennai-600002.

2.The Chief Engineer/Personnel

Tamilnadu Electricity Board

(now TANGEDCO)

8th Floor, N.P.K.R.R.Maligai,

144, Annasalai, Chennai-600002.

3.The Superintendent Engineer,

Tamilnadu Electricity Board

(now TANGEDCO),



Karur Electricity Distribution Circle,
Kovai Road, Karur -639002.

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4.The Executive Engineer,
O &M/Urban/Karur
Tamilnadu Electricity Board,
TNEB Complex, Kovai Road,
Karur – 639002.

5.The Assistant Accounts Officer,
Revenue Branch/ Urban
Tamilnadu Electricity Board,
(now TANGEDCO)
TNEB Complex, Kovai Road,
Karur -639002.

..Respondents

Prayer : Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order made in W.P.No. 14026 of 2010, dated 22.08.2023 and allow the writ appeal.

For Appellant : Mr. P.Mani

For Respondents : Mr. K.Rajkumar, Standing Counsel

JUDGMENT

(Order of the Court was made by the D.Krishnakumar, J)

Aggrieved by the order of the writ court made in W.P.No. 14026 of



2010, dated 22.08.2023, the present writ appeal has been filed.

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Brief facts :

2. The appellant was appointed as office helper in the respondent Board on 28.06.2007 and subsequently, he was appointed as Junior Assistant (Accounts) on temporary basis vide proceedings of the respondent dated 24.07.2007 and his scale of pay also revised as per Regulation 33(b) of the Tamilnadu Electricity Board Service Regulations. While that being so, the 4th respondent had issued a memo dated 14.05.2010 revising the scale of the appellant and ordered recovery of the excess amount already paid. Challenging the said order, the appellant has filed a writ petition in W.P.No. 14026 of 2010 before this Court, and this Court by order datd 22.08.2023 dismissed the said writ petition. Aggreived by the said order of the writ court, the present writ appeal has been filed by the appellant.

3. The learned counsel for the appellant has submitted that the writ court by relying upon the order of this Court made in W.P.No. 25240 of 2010, dated 16.10.2012, had disposed of the writ petition filed by the appellant herein. In



the said decision, the writ court has not considered the applicability of Rule 33(b) of Tamilnadu Electricity Board Service Regulations, therefore impugned order of the writ court is liable to be set aside.

4. On the other hand, the learned standing counsel for the respondent would submit that the writ court has passed the impugned order only based on the decision of this Court which was relied by petitioner/appellant herein before the court, therefore the appellant cannot challenge the impugned order passed by the writ court in the present appeal.

5. Heard the learned counsel appearing for the appellant and the learned standing counsel appearing for the respondents and perused the materials available on record.

6. A perusal of the records reveals that the appellant/writ petitioner did not raise any specific objections before the writ court regarding the reliance on the decision in W.P. No. 25240 of 2010. Furthermore, it is specifically mentioned in the impugned order that, based on the submissions made by the learned counsel for the writ petitioner, the writ court relied the decision made



in W.P. No. 25240 of 2010, dated 16.10.2012, and disposed of the writ petition. Therefore, at this stage, the grounds raised by the appellant that the writ court had wrongly relied on the decision in disposing of the writ petition cannot be considered.

7. In light of the submissions made by both parties and the materials placed on record, we are not inclined to entertain the present writ appeal, and it is accordingly dismissed. No costs. Liberty is granted to the appellant to seek remedy by filing a review application to review the impugned order.

(D.K.K., J.) (P.B.B., J.)
14.10.2024

Index: Yes / No
Internet: Yes
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