



W.P.(MD)Nos.10657 to 10659 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)Nos.10657 to 10659 of 2018

and

W.M.P.(MD)No.9743 to 9748 of 2018, 18666, 18669 & 18670 of 2021

K.Elangovan	... Petitioner in WP(MD)No.10657/2018
S.Natarajan	... Petitioner in WP(MD)No.10658/2018
M.Baskaran	... Petitioner in WP(MD)No.10659/2018

/Vs./

1.The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Kumbakonam North,
Kumbakonam Taluk,
Thanjavur District. ... 1st respondent in all petitions

2.The Assistant Engineer,
Operation and Maintenance,
Aduthurai,
Kumbakonam North,
Thanjavur District. ... 2nd respondent in WP(MD)No.10657/2018



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2.The Assistant Engineer,
Operation and Maintenance,
Chettimandapam,
Kumbakonam North,
Thanjavur District.

... 2nd respondent in WP(MD)No.10658/2018

2.The Assistant Engineer,
Operation and Maintenance,
Semmangudi,
Kumbakonam North,
Thanjavur District.

... 2nd respondent in WP(MD)No.10659/2018

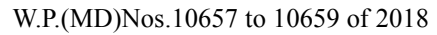
COMMON PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order bearing Ku.No.UniA/Nime/Niu. 1/Go.Audit/No.388 / 2018 dated 24/04/2018 issued by the first respondent and quash the same and consequently direct the 1st respondent to repay the recovered amount to the petitioner which was effected on 30th April 2018, pursuant to the impugned order.

Appearance in all petitions:-

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.B.Ramanathan

Standing Counsel



These writ petitions have been filed challenging similar impugned orders all dated 24.04.2018 passed by the first respondent intimating the respective petitioners that certain excess payments were made by the respondents to the respective petitioners by way of increments in the year 2012 and informing the respective petitioners that the same will be recovered in six installments.

2. A counter affidavit has also been filed by the respondents reiterating the contents of the impugned orders.

3. However, as seen from the impugned orders, the amounts to be recovered are not mentioned and installment amounts are also not mentioned. The respective petitioners have also denied their liability to pay any amount to the respondents on account of payments made by the respondents, which according to them are excess payments. The petitioners have also challenged the impugned orders on the ground of violation of principles of natural justice, as prior notice was not issued to the respective petitioners, prior to the passing of the impugned orders.



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4. Admittedly, as seen from the impugned order, no show cause notice was issued to the respective petitioners before passing the impugned orders. In the counter affidavit filed by the respondents before this Court, they have also not stated that show cause notice was served on the respective petitioners and only thereafter, the impugned orders were passed.

5. Therefore, it is clear that the principles of natural justice have been violated. Being non speaking orders and the orders passed in violation of principles of natural justice, the impugned orders have necessarily to be quashed and the writ petitions will have to be allowed. However, liberty will have to be granted to the respondents to initiate fresh action against the respective petitioners for recovering the alleged excess payments after issuing proper show cause notices to the respective petitioners and giving them an opportunity to submit their explanations.



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6. In the result, the impugned orders passed by the first respondent all dated 24.04.2018 are hereby quashed and the writ petitions are allowed. However, liberty is granted to the respondents to initiate fresh action against the respective petitioners for the recovery of the alleged excess payments made to the respective petitioners by issuing show cause notices to the respective petitioners and giving them time to submit their explanations and pass final orders, after considering the explanations, on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

05.09.2024

Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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TO:-

- 1.The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Kumbakonam North,
Kumbakonam Taluk,
Thanjavur District.
- 2.The Assistant Engineer,
Operation and Maintenance,
Aduthurai, Kumbakonam North,
Thanjavur District.
- 3.The Assistant Engineer,
Operation and Maintenance,
Chettimandapam, Kumbakonam North,
Thanjavur District.
- 4.The Assistant Engineer,
Operation and Maintenance,
Semmangudi, Kumbakonam North,
Thanjavur District.

Common Order made in
W.P.(MD)Nos.10657 to 10659 of 2018

Dated:
05.09.2024