



W.P.No.15174 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.02.2025

Coram:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15174 of 2020 &
W.M.P.Nos.18945 and 18946 of 2020

G.Guganeswaran
Deputy Block Development Officer,
Chengam Panchayat Union
Tiruvannamalai Taluk,
Tiruvannamalai District

...Petitioner

Vs.

1. The Project Director,
District Rural Development Agency (DRDA)
Thiruvannamalai District
District Collector Office Campus,
Polur Road, Thiruvannamalai.
2. Block Development Officer (Rural Development)
Chengam Panchayat Union,
Thiruvannamalai District, Chengam – 606 701
3. The Chief Financial Controller (Revenue)
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO), Eastern Wing 7th Floor,
NPKRR Maaligai, No.144, Anna Salai,
Chennai – 600 002
4. Assistant Electrical Engineer
Operation and Maintenance,
Tamilnadu Generation and Distribution Corporation
Limited (TANGEDCO)
Thiruvannamalai Town (North)
Thiruvannamalai

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to order passed by the 1st respondent bearing reference Na.Ka.No.A15/2980/2017 dated 12.12.2019 and quash the same as arbitrary and unconstitutional and consequently direct the 1st respondent to repay the recovered amount from the petitioner's salary in pursuance to the impugned order dated 12.12.2019.

For Petitioner : Mr.A.K.Rajaraman

For Respondents : Mr.R.U.Dinesh Rajkumar for R1 and R2
Additional Government Pleader
Mr.Swami Subramaniam for R3 and R4

ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to order passed by the 1st respondent bearing reference Na.Ka.No.A15/2980/2017 dated 12.12.2019 and quash the same as arbitrary and consequentially direct the 1st respondent to repay the recovered amount from the petitioner's salary in pursuance to the impugned order dated 12.12.2019.

2. The brief facts of the case, as averred by the petitioner are as follows:-

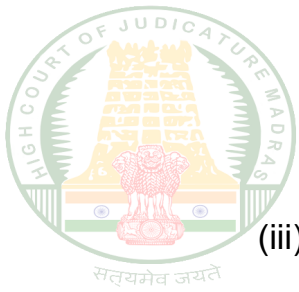
(i) The petitioner was working as Assistant (Accounts) with the office of the 1st respondent and later the petitioner was promoted to Deputy Block



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Development Officer and now he is working at Chengam Panchayat Union as Deputy Block Development Officer, viz., office of the 2nd respondent. While the petitioner was working with 1st respondent, the petitioner was entrusted to remit electricity bill by way of RTGS and NEFT and the petitioner has been remitting the electricity charge of the 1st respondent in the recognised bank account number as given by the 4th respondent with Account No.910020028219112. The petitioner has been duly remitting the electricity charges of the department through e-transfer using the given account number of 4th respondent.

(ii) While so, the petitioner came to understand that there was communication from the 4th respondent to the 1st respondent, as if there was due of electricity charges to the tune of Rs.1,85,171/- vide communication dated 22.08.2017. Consequently, the 1st respondent replied that the electricity charges for the month March 2017 to July 2017 was remitted and clarified that there is no due on the part of the 1st respondent. While there was no further clarification either from the 3rd or 4th respondent, the 1st respondent unilaterally decided to pay the pending electricity charges with late fee penalty, cumulatively Rs.1,93,790/- by way of Cheque dated 17.01.2018. Hence a letter was handed over with the 3rd respondent on 16.02.2018 seeking reimbursement of amount paid by the 1st respondent and there was no response from the 3rd respondent.



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(iii) While that being so, the 1st respondent, issued communication dated 12.12.2019 to the 2nd respondent to recover amount from the petitioner towards amount which was paid by the 1st respondent to 4th respondent. The petitioner explained the same to the 1st respondent in-person regarding the factual matrix. However, on 06.03.2020, the 1st respondent issued reminder citing the impugned order dated 12.12.2019, thereafter, the 1st respondent directed the 2nd respondent to initiate the recovery proceedings from the salary of the petitioner without holding enquiry, hence this petition.

3. The learned counsel for the petitioner would submit that the petitioner was not given with an opportunity to establish his case and the impugned order passed by the 1st respondent was unilateral and arbitrary. When the petitioner has duly remitted the electricity charges through on-line transfer and the same is not disputed by the 1st respondent, paying the same again with penalty and thereafter recovering the same from the salary of the petitioner, cannot be accepted.

4. The learned counsel for the petitioner also submits that the petitioner was forced to pay the amount in terms of 20 installments, in pursuance to the order passed by the 1st respondent and the petitioner has already paid Rs.48,000/- from his salary by way of Demand Draft to the 1st respondent under



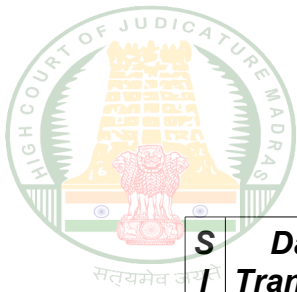
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protest. In view of covid-19 and lockdown situation, the petitioner could not approach this Court immediately after impugned order, thereby pleaded to allow the present Writ Petition.

5. Per contra, the learned Additional Government Pleader appearing for the 2nd respondent has filed a detailed counter stating that the act of remitting electricity charges by way of online transfer is not approved by the department. Further, neither the 3rd or 4th respondent has given any valid communication regarding the amount lying with them. The respondent no.1 is not aware of the amount transferred to the Central Bank Account maintained by the 4th respondent.

6. By way of additional counter, the respondents 3 and 4 would contend as follows:

(i) The petitioner has transferred a sum of Rs.1,84,818/- through NEFT transaction to the Superintending Engineer, TANGEDCO, Tiruvannamalai on various dates with respect to current consumption charges for the month of March 2017, May 2017, July 2017 and with Meter Defective Average Shortfall amount for various periods in respect to DRDA Service Connection number 205-001-344 and the same is tabulated as follows:



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S I	Date of Transaction	Mode of Transaction	Transacted amount	Transaction Receipt No.	Remarks
1	28.03.2017	NEFT	Rs.40,397/-	SBIN917087862655 /DRDA/ATTN dt.28.03.2017	March 2017 Month CC Charges Rs.40,397/-
2	07.06.2017	NEFT	Rs.57,518/-	SBIN817158526275 /DRDA/ATTN dt.07.06.2017	May 2017 Month CC Charges Rs.57,518/-
3	22.06.2017	NEFT	Rs.26,003/-	SBIN717173645779 /DRDA/ATTN dt.07.06.2017	Meter defective average shortfall-CC Arrears Rs.5405/- Meter defective average shortfall-CC Arrears Rs.15238/- Meter defective average shortfall-CC Arrears Rs.3560/- BOAB Audit Slip No.34/01.12.2017 for meter caution deposit Rs.1800/-
4	28.08.2017	NEFT	Rs.60,900/-	SBIN717240117148 /DRDA/ATTN dt.28.08.2017	July 2017 Month CC Charges Rs.60,900/-
Total NEFT Transacted Amount in Rs.			Rs.1,84,818/-	Totally 4 nos. of NEFT Transactions received from the Project Director/DRDA/Tiruvannamalai to the account of the Superintending Engineer / TANGEDCO/Tiruvannamalai.	



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(ii) After the above said NEFT transaction, on 01.12.2017, the petitioner has paid a sum of Rs.50,197/- (Fifty Thousand One Hundred and Ninety Seven Rupees Only) in the TANGEDCO Collection Counter Centre through State Bank of India cheque bearing Cheque No: 173304 dated 07.10.2017 towards the current consumption charges for the month of March 2017 along with belated payment service charges, Meter defective charges and Meter Caution deposit with respect to DRDA Service Connection Number 205-001-344 and the same is tabulated below: -

Sl	Slip No.	Account Head / Description	Amount	Total Amount Receipt No. date
01	CC Bill	March /2017 Month Current Consumption (CC) Charges	Rs.40,397/-	Rs.50197/- collected vide PR.No.VMT20 5AR1Q23 dated 01.12.2017 (Through SBI Cheque No.173304 dated 07.10.2017)
02.	2052016386/ 09.02.2016	Meter Defective Average Shortfall CC Arrears (01/2016)	Rs.5,405/-	
03.	2052017378/ 22.03.2017	BOAB Audit Slip No.34/2016 for Meter Caution Deposit	Rs.1,800/-	
04.	20520162441 / 17.10.2016	Belated Payment Surcharge (BPSC)	Rs.353/-	
05.	20520174897 / 01.12.2017	47605-Advance CC Charge (Excess Cheque Amount)	Rs.2242/-	
		TOTAL	Rs.50,197/-	



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(iii). Further, out of the said Rs.50,197/- a sum of Rs.2,242/- (Two Thousand Two Hundred and Forty Two Rupees) has been paid by the petitioner excessively and the same is kept as Advance Current Consumption Charge: towards the DRDA Service Connection Number 205-001-344. On 18.01.2018, the respondent has paid a sum of Rs.1,93,790/- (One Lakh Ninety Three Thousand Seven Hundred and Ninety Rupees Only) in the TANGEDCO Collection Counter through State Bank of India bearing Cheque No: 260546 dated 17.01.2018 for a sum of Rs.1,00,000/- (One Lakh Rupees Only) and another Cheque No.260547 dated 17.01.2018 for a sum of Rs.93,790/- [Rupees Ninety Three Thousand Seven Hundred and Ninety Only) towards the current consumption charges for the month of May 2017, July 2017 and September 2017 along with belated payment service charges, Meter defective shortfall arrears with respect to the DRDA Service Connection Number 205-001-344 and the same is tabulated below:-

S.No	Slip No.	Account Head Description	Amount	Total Amount/ Receipt No. date
01	CC Bill	May-2017 Month CC Charges	Rs.57,518/-	Rs.1,93,790/- is collected vide PR No.VMT2051A1
02	CC Bill	July -2017 Month CC Charges	Rs.60,900/-	
03	CC Bill	September 2017 Month CC	Rs.50,197/-	



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S.No	Slip No.	Account Head Description	Amount	Total Amount/ Receipt No. date
		Charges		Q170 dated 18.01.2018
04	2052016387/09.02.2016	Meter Defective Average Shortfall CC arrears (09/2015 to 03/2016) (Rs.15238 + Rs.3560)	Rs.18,798/-	(Though Cheque No.260546 dated 17.01.2018 & 260547 dated 17.01.2018)
05	20520174896/01.12.2017	Belated Payment Surcharge (BPSC)	Rs.6377/-	
TOTAL			Rs.1,93,790/-	

(iv) The petitioner has transferred a sum of Rs.1,84,818/- (Rupees One Lakh Eighty Four Thousand Eight Hundred and Eighteen Only) through NEFT transaction on various dates and on 01.12.2017 a sum of Rs.50,197/- (Rupees Fifty Thousand One Hundred and Ninety Seven Only) in the Collection Counter Centre through State Bank of India cheque bearing Cheque No: 173304 dated 07.10.2017 and on 18.01.2018 the petitioner has paid a sum of Rs.1,93,790/- (One Lakh Ninety Three Thousand Seven Hundred and Ninety Rupees Only) in the Collection Counter Centre through State Bank of India bearing Cheque No: 260546 dated 17.01.2018 for a sum of Rs.1,00,000/- (Rupees One Lakh Only) and Cheque No.260547 dated 17.01.2018 for a sum of Rs.93,790/- (Rupees Ninety Three Thousand Seven Hundred and Ninety Only) with respect to the Commercial Service Connection Number 205-001-344. From the above table,

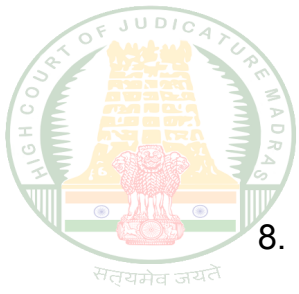


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the Belated payment charges (BPSC) collected from this service connection is only Rs 6730/- (Rs.353+Rs.6377). The petitioner is entitled to refund a sum of Rs.1,84,818/- (Rupees One Lakh Eighty Four Thousand Eight Hundred and Eighteen Only) which was paid through NEFT transaction to the account of the Superintending Engineer, TANGEDCO, Tiruvannamalai, the same is tabulated as follows:-

S. No	Slip No.	Account Head Description	Amount
1	CC Bill	March-2017 Month Current Consumption Charges	Rs.40,397/-
2	CC Bill	May-2017 Month Current Consumption Charges	Rs.57,518/-
3	CC Bill	July-2017 Month Current Consumption Charges	Rs.60,900/-
4	Audit Slip for Short Fall	Meter defective Average Shortfall CC Arrears for various periods (09/2015 to 03/2016) (Rs.5405+15238+3560)	Rs.26,003/-
5	BAOB Audit	Meter Caution Deposit Rs.1800/-	
TOTAL			Rs.1,84,818/-

7. Heard the learned counsel on either side and perused the documents placed on record.



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8. It is to be noted that the respondents, by way of a additional counter contended that the petitioner is entitled to a sum of Rs.1,84,818/- [One Lakh Eighty Four Thousand eight hundred and eighteen only] which was paid through NEFT Transaction to the account of the Superintending Engineer, TANGEDCO, Tiruvannamalai. Further, the petitioner indicated that a sum of Rs.48,000/- [Rupees Forty Eight Thousand only] has been recovered from his salary and only on account of Interim stay granted by this Court on 29.10.2020, recovery has not been proceeded.

9. At this juncture, it is relevant to note that towards the recovered sum of Rs.48,000/- from the account of the petitioner, the Belated Payment Surcharge (BPSC) vide Slip No.20520162441 / 17.10.2016 for a sum of Rs.353/- and a sum of Rs.6,377/- vide Slip No.20520174896 / 01.12.2017 shall be debited and the 3rd respondent shall release a balance sum to the 1st respondent within a period of four weeks from the date of receipt of copy of the order and inturn, the 1st respondent shall pay the said amount, to the petitioner within a period of 8 weeks thereafter. The belated payment surcharge alone shall be borne by the petitioner. The petitioner is also directed not to involve in such activities.



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With the above direction this Writ Petition is disposed of. Consequently,

connected miscellaneous petitions are closed.

17.02.2025

Index : Yes / No;
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

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District Rural Development Agency (DRDA)
Thiruvannamalai District
District Collector Office Campus,
Polur Road, Thiruvannamalai.
2. Block Development Officer (Rural Development)
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V.BHAVANI SUBBAROYAN, J.

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