



WEB COPY



W.P.No.42474 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

W.P.No.42474 of 2025
and
WMP No.47519 of 2025

G.Sampanki

: Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Power Distribution Corporation,
(Erstwhile TANGEDCO),
Thiruvannamalai Electricity Distribution Circle,
Vengikal, Thiruvannamalai-606604.

2.The Assistant Audit Officer,
(BOAB)-Board Office Audit Branch,
Audit Party No.3, formerly Villupuram Region,
Presently:Thiruvannamalai Region,
O/o.EE/West/Thiruvannamalai-606604.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, calling for the records pertaining to the proceedings in Ka.No.34/Me.Po./Thi.Malai/Ni.Bi.5/Ni.Me.Oo1/Ko/Thanikkai/2025 dated 11.10.2025 on the file of the first respondent.

For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.C.Manoharan
Standing Counsel



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ORDER

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Heard Mr.R.Selvakumar, learned counsel for the petitioner and Mr.C.Manoharan, learned Standing Counsel for the respondents.

2. The writ petition has been filed, challenging the impugned order in Ka.No.34/Me.Po./Thi.Malai/Ni.Bi.5/Ni.Me.Oo1/Ko/Thanikkai/2025 dated 11.10.2025 by the first respondent.

3. In identical issues in W.P.No.8920 of 2023 dated 20.06.2023, this Court has passed an order as follows:

3.The Hon'ble Supreme Court in the case of State of Punjab and others vs. Rafiq Masih reported in (2015) 4 SCC 334 has held that the excess payment made owing to wrong fixation of pay scale by the Department, cannot be recovered from a pensioner and such recovery is impermissible in law.

4.In the instant case, admittedly, a wrong fixation has been made only by the respondent Department. Thus, the alleged recovery is impermissible in view of the principles laid down in the aforesaid decision.

5.Accordingly, the impugned Proceedings Na.Ka.No.P.F./Tr/530/ 14772/2018 T.Z Notification No.526/2018 dated 09.07.2018 issued by the fourth respondent is quashed.



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4. In the instant case, admittedly, a wrong fixation has been made only by the respondent Department. Thus, the alleged recovery is impermissible in view of the principles laid down in the aforesaid decision.

5. Accordingly, the impugned Proceedings in Ka.No.34/Me.Po./Thi.Malai/Ni.Bi.5/Ni.Me.Oo1/Ko/Thanikkai/2025 dated 11.10.2025 issued by the first respondent is quashed. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

1.The Superintending Engineer,
Tamil Nadu Power Distribution Corporation,
(Erstwhile TANGEDCO),
Thiruvannamalai Electricity Distribution Circle,
Vengikal, Thiruvannamalai-606604.

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G.K. ILANTHIRAIYAN, J.

(mrn)

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