

W.P.(MD) No.930 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved On : 01.08.2025

Pronounced On : 18.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.930 of 2017

and

W.M.P.(MD)Nos.787 to 789 of 2017 and 26813 of 2023

V. Sakthivel,
Foreman I Grade,
O/o the Assistant Engineer,
Manaparai (south),
Manaparai
Trichy

... Petitioner

Vs.

1.The Secretary,
Secretariat Branch,
TANGEDCO,
N.P.K.R.R. Maaligai,
144, Anna Salai,
Chennai – 2.

2.The Deputy Chief Internal Audit Officer,
Trichy Region,
TANGEDCO, Thennur,
Trichy – 17.

3.The Superintending Engineer,
TANGEDCO,
O/o the Superintending Engineer,
Trichy Elecy Distn Circle,
Metro, Trichy- 20.



W.P.(MD) No.930 of 2017

WEB COPY

4.The Executive Engineer,
O/o the Executive Engineer,
Operation and Maintenance,
Manapparai, Trichy.

... Respondents

PRAYER in W.P.:

To issue a a Writ of Certiorarified Mandamus or any other appropriate order or direction in the nature or writ calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings Memo.No. 543/ Adm - II/ JA / F / Fixation / 2016, dated 05.11.2016 implementing the order passed by the 1st respondent in Letter NO.69454/A3/A31/2015-1, dated 28.10.2016 confirming the order passed by the 4th respondent in his proceedings Memo.No.29/EE/O&MPI/A. 2/F.Audit/2011 dated 21.09.2011 and quash the same as illegal and consequentially to direct the respondents to revise the scale of pay of petitioner in terms of the proceedings issued by the 4th respondent Memo.No.2456/EE/D&M/MPI/A.1/F.S.Gr./2002 dated 13.12.2002 and pay the recovered amount within the period that may be stipulated by this Hon'ble Court and pass further or other orders as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice.



W.P.(MD) No.930 of 2017

PRAYER in WMP(MD)No.787 of 2017:

To dispense with the production of the impugned order passed by the 3rd respondent in his proceedings Memo.No. 543/ Adm - II/ JA / F / Fixation / 2016, dated 05.11.2016 implementing the order passed by the 1st respondent in Letter NO.69454/A3/A31/2015-1, dated 28.10.2016 confirming the order passed by the 4th respondent in his proceedings Memo.No.29/EE/O&MPI/A.2/F.Audit/2011 dated 21.09.2011 for the present and thus render justice.

PRAYER in WMP(MD)No.788 of 2017:

To grant an ad-interim stay of operation of the impugned order passed by the 3rd respondent in his proceedings Memo.No. 543/ Adm - II/ JA / F / Fixation / 2016, dated 05.11.2016 implementing the order passed by the 1st respondent in Letter NO.69454/A3/A31/2015-1, dated 28.10.2016 confirming the order passed by the 4th respondent in his proceedings Memo.No.29/EE/O&MPI/A.2/F.Audit/2011 dated 21.09.2011 pending disposal of the writ petition and thus render justice.

PRAYER in WMP(MD)No.789 of 2017:

To grant an ad-interim direction, to direct the respondents to revise the scale of pay of petitioner in terms of the proceedings issued by the 4th



W.P.(MD) No.930 of 2017

respondent Memo No.2456/EE/D&M/MPI/A.1/F.S.Gr./2002 dated 13.12.2002 pending disposal of the above writ petition and thus render justice.

PRAYER in WMP(MD)No.26813 of 2023:

To condone the delay of 1752 days in filing the counter in the above writ petition in W.P(MD)No.930 of 2017 and take it on file and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

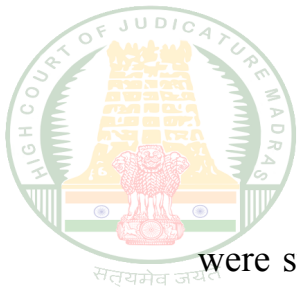
For Petitioner : Mr.H.Mohammed Imran, Advocate
for M/s.Ajmal Associates

For Respondents : M/s.M.Rajeswari, Advocate for R1
: Mr.B.Ramanathan, Advocate for R2 to R4

J U D G M E N T

Heard.

2. The Petitioner, who was employed as a Foreman Grade I in the office of the Assistant Engineer, TANGEDCO, Manaparai (South), has filed the present petition challenging the orders dated 29.01.2011, which



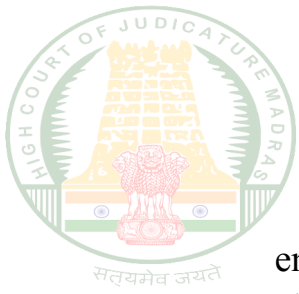
W.P.(MD) No.930 of 2017

were subsequently confirmed by orders dated 28.10.2016 and 05.11.2016.

By these orders, a sum of Rs.21,278/- was directed to be recovered from the Petitioner on the ground of excess payment made, pursuant to an audit objection. The Petitioner's appeal and further appeal were dismissed, leading to the present proceedings before this Court.

3. Although notice had been served on the respondents, no counter affidavit was filed for over five years. Subsequently, the 4th Respondent filed a counter dated 02.12.2023, accompanied by an application seeking condonation of delay, which is yet to be considered. Nevertheless, the matter was argued on the basis of the said counter. In paragraphs 6 and 7 of the counter, the reasons for effecting the deduction have been set out as follows:—

“6. I respectfully submit that the writ petitioner promoted as Commercial Inspector on 30.03.2007 ie. After 16.06.2006 issued B.P.(Ch) No. 107 Secretariat Branch, those who are not eligible for 33(b) ie. 5% promotion fixation without selection grade employees. Further, it is ordered in the B.P.No. 11 dated 08.02.2006, the selection grade and promotion post scale are one and the same, the promotion fixation benefit will be one increment only. Therefore allowing one promotion post scale as Selection Grade Scale will be disadvantages to some of the persons who got promotion from Selection Grade post to a higher post during the period between 01.12.2002 and till date. In that case necessary protection of pay shall be allowed. The



W.P.(MD) No.930 of 2017

WEB COPY

employee shall allowed to confirm in the same scale of pay already fixed in the promoted post without re-fixation in the revised selection grade scale.

7. I respectfully submit that based on above fixation of scale the writ petitioner was paid excess amount of Rs.21,278/- as point out by the audit proceedings dated 21.09.2011 and ordered for recovery. But the recovery order or recovery from the writ petitioner did not challenge within time frame. Hence the recovery made, thereafter writ petitioner made representation dated 19.09.2014 which was considered and issued proceedings dated __.04.2015, 19.05.2015 and appeal filed on 18.06.2015 and 28.10.2016 and 05.11.2016.”

4. In view of the stand taken by the Respondents, no case has been made out. Accordingly, the Writ Petition stands dismissed. W.M.P. (MD) No. 26813 of 2023 is allowed for the reasons set out in the accompanying affidavit. All other W.M.Ps. filed by the Petitioner stand dismissed. No order as to costs.

18.09.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS/ay



W.P.(MD) No.930 of 2017

WEB COPY

To

1.The Secretary,
Secretariat Branch,
TANGEDCO,
N.P.K.R.R. Maaligai,
144, Anna Salai,
Chennai – 2.

2.The Deputy Chief Internal Audit Officer,
Trichy Region,
TANGEDCO, Thennur,
Trichy – 17.

3.The Superintending Engineer,
TANGEDCO,
O/o the Superintending Engineer,
Trichy Elecy Distn Circle,
Metro, Trichy- 20.

4.The Executive Engineer,
O/o the Executive Engineer,
Operation and Maintenance,
Manapparai,
Trichy.



WEB COPY



W.P.(MD) No.930 of 2017

DR. A.D. MARIA CLETE, J.

LS

Pre-delivery Judgment made in
W.P. (MD) No.930 of 2017

18.09.2025