



WEB COPY



WP No. 30871 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WP No. 30871 of 2015 and
MP.No.1 of 2015**

V. Hariharan,
S/o. Late Vaithianathan,
Assistant Revenue Officer (Retired)
Office of the Executive Engineer,
Anna Nagar Division,
Tamil Nadu Housing Board, Chennai

..Petitioner(s)

Vs

1.The Board of Directors,
(The Appellate Authority),
Tamil Nadu Housing Board,
Chennai - 600 035.
Rep. by its Chairman

2.The Managing Director,
Tamil Nadu Housing Board,
Chennai - 600 035

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India to call for the records relating to order of the Appellate Authority and signed by the 2nd Respondent in (1) Letter No. DC 2/52946/2010 dated 07.08.2015 and the order issued by the second Respondent in (2) Pro.No. DC 4/48712/2004 dated 29.10.2010 and to quash the same and to issue consequential directions to the Respondents to forthwith refund to the petitioner the recovered amount of Rs.4,17,172/- with 18% interest Per annum



WP No. 30871 of 2015

WEB COPY For Petitioner(s):

Mr.s.Madhu Balaaji
for Mr.M.Ravi

For Respondent(s):

Mr.D.R.Arun Kumar
Standing Counsel

ORDER

This Petition has been filed to call for the records relating to the order passed by the appellate authority and signed by the 2nd Respondent in (1) Letter No.DC 2/52946/2010 dated 07.08.2015 and the order issued by the second Respondent in (2) Pro.No. DC 4/48712/2004 dated 29.10.2010 and to quash the same and to issue consequential directions to the Respondents to forthwith refund to the petitioner the recovered amount of Rs.4,17,172/- with 18% interest Per annum.

2.The Petitioner was initially appointed as an NMR employee in the Tamil Nadu Housing Board in the year 1972, then became Junior Assistant in the year 1980 and he was promoted as Superintendent in the year 2009 and thereafter, he was promoted as Assistant Revenue Officer in the year May 2010. On 12.11.2004, a show cause notice in Memo No.Allot.3(3)/32450/04 was issued to the petitioner alleging that a loss of Rs.4,17,172/- was caused by him



WP No. 30871 of 2015

to the Board by non-capitalisation of interest on initial deposit and monthly instalment on the HIG House No.33, Phase IX, Hosur which has been allotted to Mr.K.Govindarajan, however, the house was not covered in the cost reduction scheme. In the said notice, a recovery proposal has made by fixing 1/3rd liability on the petitioner ie., Rs.1,39,044/-. After completion of enquiry, the second respondent has passed an order to recover the entire amount of Rs.4,17,172/- from the pensionary benefit of the petitioner, contradicting the earlier notice with regard to recovery of 1/3rd amount. The petitioner's appeal was rejected by the Board on 07.08.2015.

3.Mr.S.Madhu Balaaji, learned counsel representing Mr.M.Ravi, counsel on record for the Petitioner pointed out that the Enquiry Officer was appointed on 27.10.2010 and an enquiry report was submitted by him on 28.10.2010 holding that the charges are proved. In this regard, the learned counsel pointed out that the Enquiry Officer had passed the order with undue haste, without even giving an opportunity to the Writ Petitioner to make his submissions. The learned counsel further pointed out that the petitioner had submitted a detailed representation on 27.10.2010 reiterating his earlier reply dated 29.11.2004 to the show cause notice dated 12.11.2004 stating that he is not responsible for the



decision relating to cost reduction, as it is an administrative decision. However, the said representation was neither considered nor discussed in the impugned order.

4.Per contra, the learned standing counsel appearing for the respondents submitted that the Writ Petitioner is responsible for the decision in question and after considering his detailed representation only the impugned orders were passed by the respondents.

5.Heard the learned counsel for the Petitioner and the learned standing counsel for the Respondents and perused the available records.

6.Perusal of the records reveal that the Writ Petitioner had submitted a detailed representation on 27.10.2010. Enquiry Officer was appointed on 27.10.2010 and he submitted his enquiry report on 28.10.2010. Pursuant to the same, final order was passed on 29.10.2010 by the second respondent. Subsequently, by Memo No.PNT.4/2629/2010 a relieving order was issued to the petitioner on 31.10.2010. The above dates and events indicate that there is absolutely hurry in conducting the enquiry and the enquiry was concluded



WP No. 30871 of 2015

without even giving a reasonable opportunity to the writ Petitioner. Therefore, the order passed by the appellate authority and signed by the 2nd Respondent in (1) Letter No.DC 2/52946/2010 dated 07.08.2015 and the order issued by the second Respondent in (2) Pro.No. DC 4/48712/2004 dated 29.10.2010 stand quashed. The Respondents are directed to pay back the amount recovered from the petitioner, without interest.

7.In fine, the Writ Petition is allowed to the extent indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

02-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

sai

To
1.The Board of Directors,
(The Appellate Authority),
Tamil Nadu Housing Board,
Chennai - 600 035, Rep. by its Chairman

2.The Managing Director,
Tamil Nadu Housing Board,
Chennai - 600 035



WEB COPY



WP No. 30871 of 2015

N.SENTHILKUMAR J.

sai

WP No. 30871 of 2015

02-03-2026

Page6 of 6