



W.P(MD)No.166 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2026

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.166 of 2026 and  
WMP(MD) No.142 of 2026

S.Sarankumar

... Petitioner

Vs

1.The Chief Engineer,  
TANGEDCO,  
Distribution,  
Madurai.

2.The Superintending Engineer,  
TANGEDCO,  
Theni Electricity Distribution Circle,  
Theni.

3.The Assistant Audit Officer,  
Audit Party No.4, Audit Branch,  
TANGEDCO, Madurai Region,  
Madurai.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order in Ku.Aa.No.



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976/Mepo/Theni/NiA/NiPi.3/NiU2/Ko./2025 dated 09.12.2025

passed by the 2nd respondent and quash the same.

For Petitioner : Mr.T.Antony Arulraj,  
For R1 & R2 : Mr.B.Ramanathan  
Standing Counsel

### **ORDER**

The petitioner is working as an Assistant Engineer, Operation and Maintenance in the respondent TANGEDCO. He has pursued a post graduation in Power System Engineering (M.Tech) as a part time Course in PRIST University, Madurai. He has also completed his post graduation in the month of June 2019. By considering this M.Tech degree, he was provided with an incentive increment. However, the same has been objected by the audit Team that the degree obtained by this petitioner through off campus from a deemed to be university is not eligible for incentive increment and therefore, by the impugned order, the petitioner was informed that he is liable to remit back the incentive increment granted to him and it would be deducted from his salary as Rs.40,000/- per month in 10



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installments and 11<sup>th</sup> installment would be Rs.20,467/-. Aggrieved by that order, the petitioner has filed this writ petition.

2.The main contention of the petitioner is that the respondents have granted incentive increment based on M.Tech degree obtained by him. The Chairman/Managing Director of TANGEDCO has accorded approval for the advanced incentive increment to this petitioner, after ascertaining the correctness of the certificate. Mere because there was an audit objection, the respondents have ordered for recovery from this petitioner, even without providing an opportunity to him.

3.This Court has ordered notice to the respondent TANGEDCO and directed the learned Standing Counsel to ascertain whether any opportunity has been provided to this petitioner before passing the order of recovery as against this petitioner.



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4. The learned Standing Counsel for the respondent TANGEDCI has clarified that it is only an intimation to the petitioner and it is not an order of recovery.

5.This Court considered the submissions made by either side counsel and perused the order impugned in this writ petition.

6.A perusal of the impugned order discloses that the recovery order has been passed without providing an opportunity to this petitioner. Admittedly, this petitioner has been provided with incentive increment after obtaining necessary permission from the appropriate authority. In the event, if there is any audit objection, the same ought to have been served on the petitioner enabling him to offer his explanation. The impugned order discloses that an order of recovery has been passed to deduct a sum of Rs.40,000/- from this petitioner in 10 installments and 11<sup>th</sup> installment would be Rs.20467/-. Since the order of recovery has been passed without



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providing an opportunity to this petitioner, this Court is inclined to set aside the impugned order.

7. Accordingly, the impugned order of recovery is set aside. The respondents shall provide an opportunity of hearing to the petitioner by furnishing the audit objection and thereafter take a decision. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**07.01.2026**

NCC: Yes/No  
Index: Yes/No  
Internet: Yes  
vrn



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**B.PUGALENDHI, J.**

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**Order made in**  
**W.P(MD)No.166 of 2026 and**  
**WMP(MD) No.142 of 2026**

**07.01.2026**