

**TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LIMITED**

SECRETARIAT BRANCH
144, ANNA SALAI,
CHENNAI-600 002.

Memo. (Per.) No.38324/A3/A31/2015-1, Dated : 01-08-2016.

Sub : Establishment – Writ Petition filed against the recovery of excess payments by erroneous fixation - Issue of show cause notice - Instructions - Issued.

Ref : Government Finance (Pay Cell) Department, Letter No.26035/Pay Cell/2016-1, dated 20.05.2016.

The Government have communicated further instructions on the recovery procedure for the excess payments due to erroneous fixation made to the employees. Accordingly, the following instructions are issued.

2. It is brought to notice that inspite of clear instructions in some cases the pay fixing authorities are refixing the pay of the employees based on audit objections and ordering recovery of excess payments without giving due notice to the employees concerned. This has led to several legal interventions seeking interim stay of the recovery orders passed by the pay fixing authorities. The Hon'ble High Court granted "Interim Stay" against recovery on the ground that recovery has been ordered without giving due notice to the petitioners which is against the principle of Natural Justice.

3. It is pointed out that even though detailed counter affidavits have been filed in several Writ Petitions to vacate the interim stay granted by the Hon'ble High Court, in most of the cases further hearing is yet to be taken up and in some cases the interim stay have been made absolute till the disposal of Writ Petition. The delay in disposal of such cases led unnecessary financial burden by way of allowing the petitioners to draw the higher pay scales by virtue of the interim stay granted by the Hon'ble Courts.

4. Therefore, to avoid such court cases, the pay fixing authorities are instructed to refix the pay of the employees drawing higher pay due to erroneous pay fixation and recover the excess amount paid to such employees after giving show cause notice invoking the principle of Natural Justice.

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5. The failure in recovering the excess payment due to procedural lapses involving stay by the court should be viewed seriously and necessary disciplinary action should be initiated on the erring officials.

6. The above instructions should be communicated to all the sub-ordinate officers for strict adherence.

7. The receipt of the Memo. shall be acknowledged.

**R.BALAJI,
SECRETARY.**

To

All Chief Engineers.

The Chief Financial Controller/General and Revenue/Accounts Branch.

All Superintending Engineers.

All Deputy Secretaries/Secretariat Branch.

The Chief Internal Audit Officer/Audit Branch.

Copy to:-

The Chairman cum Managing Director's Table.

The Director General of Police/Vigilance.

The Managing Director/TANTRANSCO.

All Directors/TANGEDCO and TANTRANSCO.

The Secretary/TANGEDCO/Chennai-2.

The Legal Adviser.

The Executive Assistant to Chairman cum Managing Director's office.

The Industrial Relations Adviser/TANGEDCO.

The Deputy Chief Engineer/Administrative Branch.

All Senior Personnel Officers/Administrative Branch.

The Industrial Relations Officer/TANGEDCO.

The Assistant Personnel Officer/Tamil Development – for Publication
in the TNEB Bulletin (2 copies).

All Branches.

All Officers/Sections/Cells in the Secretariat Branch .

Tamil Nadu Electricity Workers' Federation.

Tamil Nadu Electricity Board Accounts & Executive Staff Union.

Tamil Nadu Electricity Board Workers Progressive Union (LPF).

Central Organisation of Tamil Nadu Electricity Employees (COTEE).

Minsara Pirivu Anna Thozhir Sangam.

Tamil Nadu Minvariya Janatha Thozhilalar Sangam.

Tamil Nadu National Electricity Workers' Federation (2 Groups).

Tamil Nadu Electricity Board Engineers' Sangam.

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Tamil Nadu Electricity Employees Congress.
Tamil Nadu Electricity Board Thozhilalar Poriayar Aykkiya Sangam.
Tamil Nadu Electricity Board Engineers' Association.
Tamil Nadu Electricity Board Finance & Accounts Officers Association.
Bharathiya Electricity Employees Federation.
Tamil Nadu Electricity Board Card Billing Staff Union.
Tamil Nadu Electricity Board Dr.Ambedkar Employees Union.
Tamil Nadu Electricity Board Engineers Union .

:: TRUE COPY :: FORWARDED :: BY ORDER ::

SECTION OFFICER.