



W.P.(MD)No.16579 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.16579 of 2016

and

W.M.P.(MD) No.12080 of 2016

Thavamani

... Petitioner

Vs.

1. The Principal Secretary/Commissioner,
Civil Supply and Consumer Protection Department,
Ezhilagam,
Chepauk,
Chennai – 5.
2. The Joint Commissioner,
Civil Supply and Consumer Protection Department,
Ezhilagam, Chepauk,
Chennai – 5.
3. The District Supply Officer,
Madurai District,
Collectorate, Madurai.
4. The Taluk Supply Officer,
Usilampatti Taluk,
Usilampatti, Madurai.



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5. The President,
MU-8 Usilampatti Taluk Agriculture Producers
Cooperative Marketing Society Ltd.,
Usliampatti,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, directing the Respondents to conduct fresh and fair enquiry by giving sufficient opportunity to the Petitioner vide Representation, dated 18.08.2016.

For Petitioner : V.Malaiyendran

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader for R-1 – R-4
No Appearance for R-5

ORDER

This writ petition is filed for *Writ of Mandamus*, directing the Respondents to conduct fresh and fair enquiry by giving sufficient opportunity to the Petitioner based on the Representation, dated 18.08.2016.

2. Heard V.Malaiyendran, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for R-1 to R-4. Perused the material documents available on record.



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3. The petitioner was working as Salesman and has rendered 29 years of service. The 1st respondent has received a report alleging that Kerosene was sold to the fake Ration cards. Pursuant to the same, the 2nd respondent has conducted enquiry and submit a report to the 1st respondent. Based on the report, the 3rd respondent has passed an order, dated 09.02.2016, whereby the 4th respondent was directed to stop supply of goods to 739 ration cards. The copy of the same was served upon to the petitioner.

4. The contention of the petitioner is that the respondents acted behind the petitioner's back. Therefore, the petitioner has submitted a representation, dated 18.08.2016 to conduct fresh enquiry after granting sufficient opportunity to the petitioner.

5. Pending writ petition, the respondents have allowed the petitioner to retire from service on 30.06.2015 and all the terminal benefits applicable to the petitioner was also disbursed. The Society has passed a resolution, dated 30.06.2015 and the same is extracted here under:



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□நமது சங்கத்தின் கிட்டங்கியாளர் திரு.எம்.தவமணி 30.06.2015ம் தேதியன்று பிற்பகல் முதல் ஓய்வு பெற்றுள்ளதை தொடர்ந்து அவருக்கு கொடுபடவேண்டிய பணப்பலன்கள் கீழ்க்கண்டவாறு கொடுக்க வேண்டியுள்ளது.

1.பணிக்கொடை	-	199903
2.ஈட்டிய விடுப்பு ஒப்படைப்பு	-	99000
3.பணியாளர் EPF Amount	-	23284
4.பணியாளர் காப்புத்தொகை	-	20000

இதில் இனம் 1, 2, 3ல் உள்ளவற்றை பட்டுவாடா செய்தும் இனம் 4ல் உள்ள பணியாளர் காப்புத்தொகை ரூ.20000-ஐ நடப்பு ஆண்டு தணிக்கை முடிந்த பின்னர் வழங்குவது என ஏகமனதாகத் தீர்மானிக்கப்பட்டது.□

6. In pursuance of the resolution, it is seen that the respondents have not deducted any amount from terminal benefits of the petitioner. Therefore, nothing survives for adjudicating in this writ petition.

7. Accordingly, this Writ Petition stands closed. No Costs. Consequently, connected miscellaneous petitions is also closed.

Index : Yes / No
Internet : Yes

23.03.2023



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S.SRIMATHY, J

ksa

**Order made in
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