

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 30106 of 2024
and WMP No. 32806 OF 2024**

D.Abhirami,

..Petitioner(s)

Vs

1. The Commissioner
Government of Tamil Nadu, Civil Supplies
And Consumer Protection Department,
Chepauk, Chennai-600 005.
2. The Managing Director
Kancheepuram District Consumer
Cooperative, Wholesale Stores, No.185,
Prakasam Road, Chennai-600 108.
3. The Deputy Registrar/secretary
Kancheepuram District Consumer
Cooperative, Wholesale Stores,
Kancheepuram Branch Office,
Kancheepuram.
4. The Deputy Registrar/general Manager
Kancheepuram District Consumer
Cooperative, Wholesale Stores, No.185,
Prakasam Road, Chennai-600 108.

..Respondent(s)



Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to letters Na.Ka.No. 935 / 2015 / PDS4 dated 07.10.2022 and 28.04.2023 sent by the 2nd respondent and ending with the consequential order in Na.Ka.No.935/2015/PDS4 dated 30.08.2024 sent by the 4th respondent and quash the same and direct the respondents to repay the amounts already recovered from the petitioner's salary from August 2024 pursuant to the order in Na.Ka.No.935 / 2015 / PDS4 dated 30.08.2024 of the 4th respondent.

For Petitioner(s): Mr. Duraikkan S.Phillip

For Respondent(s): Mr. K. Sathish,

Government Advocate for R1, R2 & R4

Mr. P. Ganesan for R3

ORDER

This writ petition has been filed for the following relief:

“To issue a Writ of Certiorarified Mandamus calling for the entire records relating to letters Na.Ka.No. 935 / 2015 / PDS4 dated 07.10.2022 and 28.04.2023 sent by the 2nd respondent and ending with the consequential order in Na.Ka.No.935/2015/PDS4 dated 30.08.2024 sent by the 4th respondent and quash the same and direct the respondents to repay the amounts already recovered from the petitioner's salary from August 2024 pursuant



to the order in Na.Ka.No.935 / 2015 / PDS4 dated 30.08.2024 of the 4th respondent.”

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2. The petitioner was appointed as an Assistant Saleswoman on 20.01.2011 in the Semincheri Fair Price Shop. She was promoted as Saleswoman and was posted to Selaiyur Fair Price Shop . Thereafter, she was transferred to the Nerkundram-3 Fair Price Shop on 07.01.2015. Disciplinary proceedings arose out of a raid conducted by the respondents on 23.03.2015. She was suspended on 19.05.2015, and a charge memo dated 22.06.2015 was issued alleging that 185 fake ration cards had been created, causing a loss of Rs.1,87,075/-. She was held responsible for 60% of the loss. An enquiry was conducted and show cause notices dated 05.10.2015 and 12.05.2017 were issued. The petitioner has submitted her explanation. However, the 2nd respondent dismissed the petitioner from service by order dated 07.03.2018 holding that all the charges stood proved against her.

3. The petitioner challenged the dismissal order in I.D. No.152 of 2018 before the First Additional Labour Court, Chennai. By award dated 27.09.2019, the Labour Court set aside the order of dismissal and directed

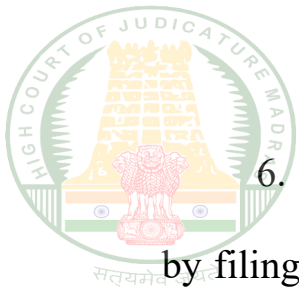


the respondents to reinstate her with continuity of service on condition that she deposit 20% of the amount fixed by the respondents within three months without back wages and with all other benefits.

Pursuant to the Award, the petitioner paid the 20% amount on 17.12.2019 and was reinstated in service from 2019.

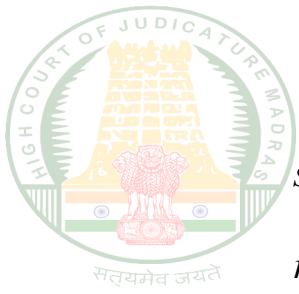
4. While so, to the shock and surprise of the petitioner, by letter dated 07.10.2022, the 2nd respondent demanded the balance amount of Rs.89,746/- being 80% of the sum fixed as per the original Charge Memo dated 22.06.2015. Again, by letter dated 28.04.2023, the 2nd respondent reiterated the demand. Despite the petitioner's representation dated 17.05.2023 the respondents, by letter dated 30.08.2024, directed recovery of Rs.5,000/- per month from the petitioner's salary from August 2024 until the balance amount of Rs.89,746/- was recovered. Challenging the letters dated 07.10.2022 and 28.04.2023 and the consequential order dated 30.08.2024, the petitioner has filed the present writ petition.

5. Heard the learned counsels on both sides and perused the materials available on record.



6. The petitioner had challenged the punishment imposed upon her by filing I.D.No.152 of 2018 on the file of the I Additional Labour Court, Chennai. The learned Judge, by Award dated, 27.09.2019, on considering the evidence on record, concluded that the termination of service was bad and set aside the dismissal order and directed the petitioner to be reinstated in service with a direction that she deposits 20% of the amount fixed by the respondents as the deficit within a period of three months without back wages and with all other benefits. The learned Judge assigned the following reasons for passing the aforesaid award in paragraph 15 which reads as follows:

“15. Further it is admitted by M. W.1 that the petitioner herein joined on 7.1.2015. It is also relevant to consider the evidence of M.W.2 in the cross examination. She admits in the cross that the 'A' register was prepared every year but she is evasive regarding the preparation of 'A' register in the month of December to the subsequent year of distribution. Further it is also clear that the said 'A' diary is not filed. This court has already held that merely because of the joining of the petitioner on 7.1.2015 she cannot be held to be innocent when there is a responsibility cast on her. At the



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same time, as regards the extent of involvement of misconduct is concerned, the term of her working in that place and the misconducts happening in those periods or which were persisting even prior to that period ought to have been taken into consideration by the respondent management. The respondent management while fixing the liability without assigning reason fixed 40% responsibility to the Assistant Sales woman Dhanalakshmi and 60% of liability towards deficiency to the petitioner herein. No convincing reason is offered by the respondent management to fix such a liability. Further it has not chosen to prove the petitioner's contention of the preparation of the 'A' register prior to her joining. If these types of misconducts are continuing before the joining of the petitioner in this shop fixing the entire responsibilities upon the petitioner cannot be held to be fair and proper."

7. A perusal of the award clearly shows that M.W2 referred to therein is Dhanalakshmi who was the co-delinquent upon whom no domestic enquiry was also initiated. It is also stated that the petitioner has deposited 20% of the amount as directed.



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8. Such being the case, the impugned orders are nothing but an attempt to circumvent the award passed by the Tribunal. The Award of the Tribunal was not challenged by the respondents. Once the Tribunal has held that the petitioner can only be mulcted with the liability of 20%, the present demand is nothing but a case of overstepping the Award.

9. Accordingly, the impugned orders are set aside and the writ petition is allowed as prayed for. The respondents are directed to refund the amounts, if any, already recovered from the petitioner's salary pursuant to the proceedings dated 30.08.2024, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

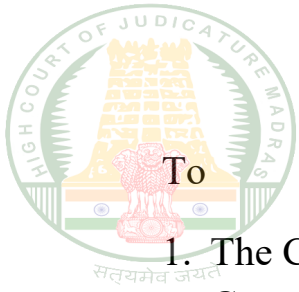
14-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN



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