

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21692 of 2015
and M.P.No.1 of 2015

R.J.Uthaman

... Petitioner

-Versus-

1. The Managing Director,
Tamil Nadu State Marketing Corporation,
Head Office,
CMDA Tower-2, 4th Floor,
Egmore, Chennai 600 008.
2. The Chief General Manager (Administration)
& Organization Secretary,
Head Office,
CMDA Tower-2, 4th Floor,
Egmore, Chennai-8.
3. The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai 600 009.
4. The Additional Chief Secretary /
Commissioner of Revenue Administration
(In-charge) and Additional Chief Secretary /
Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai 600 005.
5. The Senior Regional Manager,
Coimbatore Region,
Tamil Nadu State Marketing Corporation,
Coimbatore -30.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Certiorarified Mandamus calling for the records in respect of the Order / Notification No. M3/15047/2014 dated 02/09/2014 issued by the 2nd respondent The Chief General Manager (Admin) and Organization Secretary Tamil Nadu State Marketing Corporation (TASMAC), Chennai-8 demanding the petitioner to pay in the fictitious amount of Rs.20 20 265 (Rupees Twenty lakhs twenty thousand and two hundred and sixty five only) and to quash the above said Order / Notification and consequently direct the 2nd respondent to discharge the petitioner

from the liability of compensating the fictitious financial loss as arrived at by the 2nd respondent when there was no actual loss in any way caused by the Petitioner to the Tamil Nadu State Marketing Corporation (TASMAC).

For petitioner : Mr.R.Ramchandran

For respondents : Mr.S.Muthuraj

ORDER

The petitioner is a District Manager for Erode District in Tamil Nadu State Marketing Corporation Limited. While he was working so, by way of the impugned order, the 1st respondent made a demand to the petitioner to compensate the financial loss to the tune of Rs.20,20,265/- which was allegedly caused to the corporation on account of certain lapses on the part of the petitioner. Challenging the above said order, the petitioner is now before this court.

2. The learned counsel for the petitioner would submit that the impugned order has been passed without notice which is against the principles of natural justice and therefore, he would pray this court to set aside the impugned order.

3. Mr.S.Muthuraj, the learned standing counsel, who takes notice for the respondents would be fair enough to concede that there was no notice issued to the petitioner before passing the impugned order. He would however submit that the respondents may be given liberty to pass orders afresh in the matter after affording sufficient opportunity to the petitioner in accordance with law.

4. Admittedly, before passing the impugned order, no notice was issued and no opportunity was afforded to the petitioner at all to explain his stand with regard to the alleged financial loss. Thus, I am of the considered view that the impugned order of came to be passed in gross violation of principles of natural justice and without following the procedures established by law and the same is, therefore, liable to be set aside.

5. In the result, the writ petition is allowed and the impugned order is hereby set aside and the matter is remitted back to the 3rd respondent, who shall pass fresh orders in accordance with law after affording sufficient opportunity to the petitioner including personal hearing. No costs. Consequently, connected MP is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Managing Director, Tamil Nadu State Marketing Corporation,
Head Office, CMDA Tower-2, 4th Floor, Egmore, Chennai 600 008.
2. The Chief General Manager (Administration) & Organization
Secretary, Head Office, CMDA Tower-2, 4th Floor, Egmore, Chennai-8
3. The Principal Secretary to Government, Revenue Department,
Secretariat, Chennai 600 009.
4. The Additional Chief Secretary / Commissioner of Revenue
Administration (In-charge) and Additional Chief Secretary /
Commissioner of Land Administration, Ezhilagam, Chepauk,
Chennai 600 005.
5. The Senior Regional Manager, Coimbatore Region, Tamil Nadu
State Marketing Corporation, Coimbatore -30.

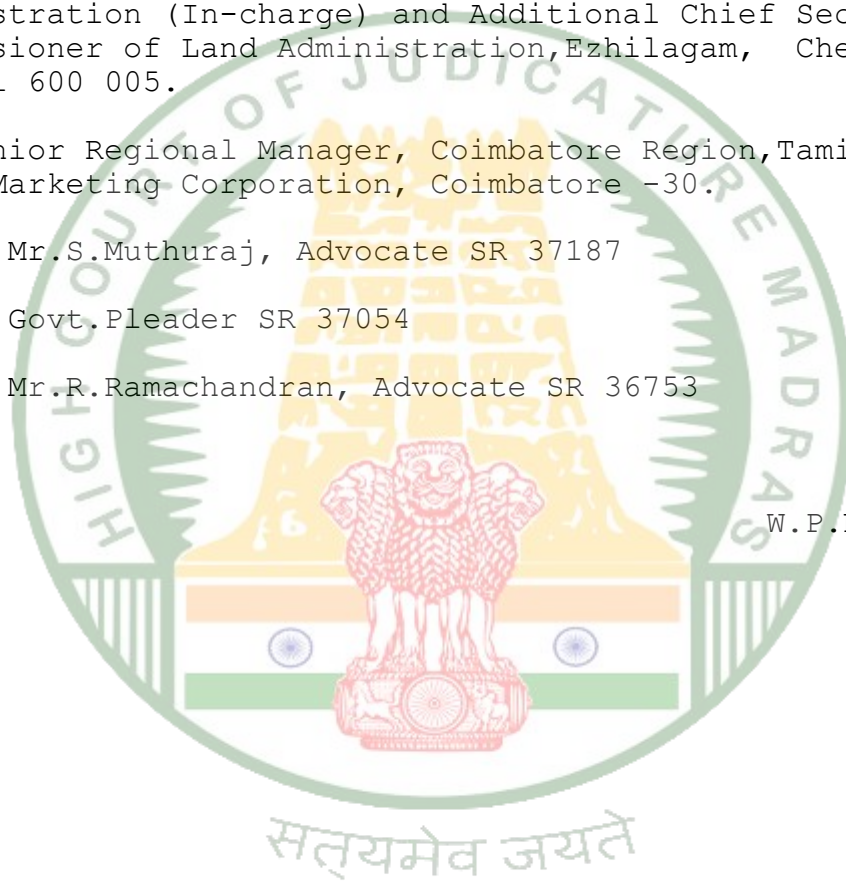
+ 1 cc to Mr.S.Muthuraj, Advocate SR 37187

+ 1 cc to Govt.Pleader SR 37054

+ 1 cc to Mr.R.Ramachandran, Advocate SR 36753

skv(co)
prk28/7

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