

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

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THE HONOURABLE MR.JUSTICE.T.RAJA

**Rev.Application No.177 of 2016
in W.P.No.11905 of 2016**

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
Kilpauk, Chennai 600 010.
- 2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.48, NGR Nagar Main Road,
SRC Mill Compound, Uthukuli Main Road,
Tiruppur 641 601
Tiruppur District.

.. Review applicants

Vs.

S.Viswanathan

..Respondent

Prayer: This Review Application is filed under Order 41 Rule 1 r/w 14 of Civil Procedure Code praying to review the order passed in W.P.No.11905 of 2016 dated 31.03.2016.

For review applicants : Mr.C.Munusamy

For Respondent : Mr.T.E.Badrinathan

ORDER

This review application has been filed by the review applicants to review the order dated 31.03.2016 passed in W.P.No.11905 of 2016.

2. By the impugned order dated 31.03.2016, passed in W.P.No.11905 of 2016, this Court directed the second petitioner herein, the Regional Manager, Tamil Nadu Civil Supplies Corporation Ltd., Tiruppur, to deduct a sum of Rs.55,984/- towards recovery related to audit and value of unspent punishment and to disburse the balance terminal benefits to the petitioner, within a period of eight weeks from the date of receipt of a copy of the order. It was also made clear that the said deduction was subject to the result of the surcharge proceedings. It is further stated therein that if the writ petitioner succeeds in the surcharge proceedings, the second respondent shall refund the deducted amount without interest to him.

3.Mr.C.Munusamy, learned counsel appearing for the review applicants would submit that after the disposal of the above writ petition, the

Corporation came to understand that while the respondent herein/writ petitioner was working as Deputy Manager (Accounts) at the office of the second respondent Corporation during the period between July 2012 to April 2013, the respondent had not deposited the provident fund deducted from the employees of the corporation in the particular head of the account, due to which 8.33% pension contribution was not deposited for the employees during that period. As a result, the respondent herein is responsible for causing loss to the tune of Rs.1,8,734/-. Therefore, the total amount to be deducted from the terminal benefits payable to the respondent is Rs.55,984/- + Rs.1,18,734/- = Rs.1,74,718/-. In view of the same and taking note of the observation made in the impugned order that the deduction was subject to the result of the sur-charge proceedings, the petitioners have come up with the present application in order to clarify the present position.

4. Learned counsel appearing for the respondent would submit that the second petitioner was issued with show cause notice dated 20.06.2016, calling upon him to pay a sum of Rs.1,18,734/- towards the alleged loss caused to the Corporation. The learned counsel, on instructions would further submit that

the second petitioner may be directed to deduct the said amount also from the terminal benefits payable to the respondent, however, the said deduction shall be subject to the result of the surcharge proceedings. The said submission is placed on record.

5. A perusal of the records would reveal that no counter affidavit has been filed by the respondents in the writ petition. Based on the submissions made by the respective counsel, the writ petition was disposed of. Subsequent to the same, the alleged loss caused by the respondent to the Corporation to the tune of Rs.1,18,734/- came to light. Therefore, the petitioners have filed this review application. Considering the submission made by the learned counsel for the review applicants and also taking note of the no objection expressed by the learned counsel for the respondent, this Court is inclined to modify the order dated 31.03.2016 passed in WP.No.11905 of 2016.

6. Accordingly, the order dated 31.03.2016 passed in WP.No.11905 of 2016 to the effect that the Regional Manager, Tamil Nadu Civil Supplies Corporation, Tiruppur is hereby directed to deduct a sum of Rs.1,74,718/-

towards recovery related to audit and value of unspent punishment and alleged loss caused to the Corporation and to disburse the balance terminal benefits to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that the said deduction of Rs.1,74,718/- is subject to the result of the surcharge proceedings. If the writ petitioner succeeds in the surcharge proceedings, the Tamil Nadu Civil Supplies Corporation, Tiruppur shall refund the deducted amount without interest to him.

7. The review application is disposed of accordingly. No costs.

22.12.2016

Index : Yes/No

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T.RAJA,J

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