

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.18384 of 2010
and
M.P.No.1 of 2010

M.Radha Bai

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Petitioner

Versus

1. The Commissioner
Adi Dravidar Welfare Department
Chepauk,
Chennai 600 005.
2. The District Adi Dravidar and Tribal
Welfare Officer,
Villupuram District.
3. The Headmaster
Government Adi Dravidar Welfare
Higher Secondary School
Kavarai, Gingee Taluk,
Villupuram District.
4. The Accountant General Officer
Accountant General Office,
Teynampet
Chennai 600 018.

Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 1st respondent in its Letter No. ந.க.எண்., E2/15894/2010 dated 18.6.2010 and quash the same consequentially direct the Respondents to refund the attached amount of Rs.1,45,355/- from the gratuity of the petitioner along with 18% of interest compounded annually from the date of recovery from the petitioner.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.Jaya Prakash Narayanan
Additional Government Pleader

O R D E R

The prayer in this Writ Petition is for a certiorarified mandamus to call for the records relating to the order passed by the first respondent in its letter No.Na.Ka.No.E2/15894/2010 dated 18.06.2010 and quash the same and consequently direct the respondents to refund the attached amount of Rs.1,45,355/- from the gratuity of the petitioner along with 18% of interest compounded annually from the date of recovery from the petitioner.

2. The petitioner has challenged the veracity of the order passed by the first respondent, in his proceedings in Na.Ka.No.E2/15894/2010 dated 18.06.2010, though the said order is an inter-office communication between the first respondent and the second respondent. In the said order, the first respondent had directed the second respondent to submit certain clarification and documents pertaining to the proposed recovery of money from the petitioner and also the second respondent was directed to consider the representation already given by the petitioner. But, no action was taken pursuant to the said letter.

3. In the said letter, the second respondent was directed to report about the compliance of the order to the first respondent. Therefore, in the said order dated 18.06.2010, there is no direct demand or any recovery from the petitioner. When that have been so, the petitioner cannot have any grievance out of the said order. Therefore, this Court feels that the relief sought for in the present writ petition is not required to be considered at this stage. Hence, this Writ Petition is disposed of with the following observations:

(i) The second respondent as directed by the first respondent, in the impugned order, dated 18.06.2010 can take decision on the representation of the petitioner relating to the recovery proposed against the petitioner, by considering the claim of the petitioner, as he claimed that the entire amount of Rs.1,45,355/- sought to be recovered from the petitioner, has already been paid by her to the parties concerned. Therefore, the said amount can be returned to the petitioner, by considering the representation of the petitioner.

(ii) On the strength of the documents relied upon by the petitioner, a reasonable order can be passed by the second respondent with a copy marked to the first respondent.

With the above observation, this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

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Chennai 600 005.
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1 cc to Mr.A.R. Nixon, Advocate, Sr. 63392
1 cc to Government Pleader, Sr. 62855

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