



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2016

CORAM

THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD) .No.16656 of 2016

and

W.M.P. (MD) .No.12106 of 2016

K.O.Mayandi

... Petitioner

Vs.

1.The Principal Secretary / Commissioner,
Civil Supply and Consumer Protection Department,
Ezhilagam, Chepauk, Chennai-5.

2.The Joint Commmissioner,
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.

5.The President,
Mu-8, Usilampatti Taluk Agriculture
Producers Co-operative Marketing Society Ltd,
Usilampatti, Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first respondent to conduct fresh and fair enquiry by giving sufficient opportunity to the petitioner vide representation dated 18.08.2016.

For petitioner : Mr.I.Murugesh for M/s.V.Malaiyendran

For respondents : Mr.M.Murugan

Government Advocate

ORDER

The petitioner herein seeks for the issuance of a Writ of Mandamus, directing first respondent to conduct fresh and fair enquiry by giving sufficient opportunity to the petitioner vide representation dated 18.08.2016.



2. The petitioner was the Salesman under the fifth respondent. On an allegation that there is monetary loss to the Government for supplying kerosene to the fake rations cards by the petitioner and consequently, the respondents are taking steps to recover the amount in question from the petitioner, he is before this Court.

3. Learned counsel for the petitioner submitted that before effecting recovery the petitioner must be put on notice. However, in the present case, it has not been done so. Further, in similar circumstances, one Muthuramalingam, who was working as a Salesman, filed a Writ Petition in W.P.(MD).No.9271 of 2016 has got an order of stay. Not only that, when the petitioner was allowed to retire from service, there is no question of initiating disciplinary proceedings or recovery proceedings against the petitioner. Therefore, he prays for an appropriate order.

4. Mr.M.Murugan, learned Government Advocate accepts notice for the respondents.

5. Be that as it may, the affidavit filed in support of this Writ Petition shows that petitioner is aged 45 years old, whereas, in paragraph No.8, it is averred that the petitioner was peacefully allowed to retire from service. When the affidavit does not go together with the averments made in the Writ Petition nor the argument of the learned Counsel for the petitioner, this Court is really at a loss to understand what is the case about the petitioner. Further, the third respondent has conducted a detailed enquiry and found that the petitioner supplied kerosene to the fake ration cards and therefore, there is nothing wrong in recovering the amount from the petitioner. That apart, this Court is not convinced with the argument of the learned Counsel for the petitioner that in similar circumstances this Court has granted an order of interim stay of recovery and therefore, in this case also, the recovery is to be stayed for the simple reason that when the learned counsel for the petitioner has completely left this Court in a lurch, this Court has no other option but to dismiss this Writ Petition. Therefore, I have no hesitation to dismiss this Writ Petition.

6. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar



To

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.

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Usilampatti Taluk, Usilampatti,
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5.The President,
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Producers Co-operative Marketing Society Ltd,
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+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.50194

W.P (MD) .No.16656 of 2016
02.09.2016

ssm

SH/SK-SKN:04.10.2016:3P/7C