

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.01.2017
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.408 of 2017
and W.M.P.Nos.430 & 431 of 2017

R.Ganeshan

... Petitioner

Vs.

- 1.The Administrative Director,
T.N.Civil Supplies Corporation,
No.42, Thambusamy Street,
Kilpauk, Chennai - 10.
- 2.The Zonal Manager, Chennai (South),
Chennai South Zone, Chennai - 86.
- 3.The Assistant Manager (Establishment),
Chennai South Zone, Chennai - 86.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified Mandamus calling for the records in proceedings of the 2nd respondent in Na.Ka.No.K8/009431/2013 dated 12.12.2016 and quash the same as unjust, illegal and unconstitutional and forbearing the 3rd respondent from initiating recovery proceedings as per the order of the 2nd respondent.

For Petitioner : Mr.J.Stalin

For Respondents: Mr.L.P.Shanmugasundaram,
Standing Counsel for TNCSC,
Special Government Pleader (Co-op)

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operatives) accepts notice.

3.The petitioner while working as Junior Assistant in the services of the 3rd respondent Corporation was facing disciplinary proceedings in Charge Memo dated 21.02.2013 alleging his involvement with regard to shortage of rice. The petitioner would aver that along with him, three others were proceeded against by the Department. The 2nd respondent vide proceeding dated 12.12.2016 in Na.Ka.No.K-8/009431/13, has imposed recovery of a sum of Rs.1,65,360/- and the petitioner

was called upon to remit a sum of Rs.94,128/-. The petitioner challenged the legality of the said order of punishment filed an appeal before the 1st respondent and it was acknowledged on 27.12.2016.

4. The learned counsel appearing for the petitioner would submit that despite entertainment of the appeal, steps are being taken to effect recovery of the sum of Rs.94,128/- in terms of the order of punishment dated 12.12.2016 passed by the 2nd respondent. Therefore, he is constrained to approach this Court by filing this Writ Petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and the learned Standing Counsel for the respondents also.

6. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to dispose of the Appeal No.27/12/2016 filed by the petitioner on merits and in accordance with law, as expeditiously as possible and not less than ten weeks from the date of receipt of a copy of this order and till the disposal of the appeal, recovery of the amount shall be deferred in terms of the order of punishment dated 12.12.2016 passed by the 2nd respondent.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

va

To

1. The Administrative Director,
T.N. Civil Supplies Corporation,
No.42, Thambusamy Street,
Kilpauk, Chennai - 10.

2. The Zonal Manager, Chennai (South),
Chennai South Zone, Chennai - 86.

3.The Assistant Manager (Establishment),
Chennai South Zone, Chennai - 86.

+1 cc to Mr.J.Stalin Advocate sr 1523/17
+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 1515/17

W.P.No.408 of 2017
and W.M.P.Nos.430 & 431 of 2017

ca(co)
aa10/01/2017



WEB COPY