

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.324/2017

S.Pandian

..

Petitioner

Vs

1. The Managing Director,
The Tamil Nadu Civil Supplies
Corporation Limited, No.12,
Thambusamy Road, Kilpauk
Chennai 600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Limited, Kanchipuram.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to disburse the retiral benefits including Gratuity, Special Provident Fund, Earned Leave Surrender and Unearned Leave on private affairs due to the petitioner along with the interest at the rate of 12% per annum with effect from 01.05.2015 till date of disbursement.

For Petitioner : Mr.Bharatha Chakravarthy for
M/s.Sai, Bharath and Ilan

For RR 1 & 2 : Mr.L.P.Shanmugasundaram
Standing Counsel for TNCSC

ORDER

By consent, the writ petition is taken up for final disposal. Mr.L.P.Shanmugasundaram, learned Special Government Pleader [Coop.] accepts notice on behalf of the respondents.

2 The petitioner would state that he, in the capacity of Superintendent, in the Regional Office, was acting as the Purchase Officer in respect of several Direct Purchase Centres and alleging some misdeed, vigilance enquiry was ordered. Since the petitioner had attained the age of superannuation, the 1st respondent, vide order dated 29.04.2016, has permitted the petitioner to retire from service without prejudice to the

outcome of the vigilance enquiry and accordingly, the petitioner retired from service on 30.04.2016 subject to the said condition. The petitioner was issued with a Charge memo dated 02.05.2016 framing three charges, alleging that he did not properly visit the Direct Purchase Centres and did not effectively supervise the same. The petitioner has submitted a representation dated 23.05.2016 and the enquiry is pending and that apart, a show cause notice was also issued to him on 24.05.2016 in respect of the difference in quality of paddy amounting to Rs.1,56,488/-, for which also, the petitioner has submitted his representation. The grievance expressed by the petitioner is that more than Rs.12 lakhs and odd is due and payable to the petitioner by way of terminal benefits and even for the sake of arguments that the petitioner is liable to pay a sum of Rs.1,56,488/- being the difference in quality of paddy, the balance amount ought to have been disbursed to him by the respondents and in this regard, the petitioner has also submitted a representation dated 17.11.2016 and in spite of receipt and acknowledgment, it is yet to be given disposal and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the order dated 02.12.2013 made in WP [MD] Nos.15875 & 15926/2013 [A.Sahadevan Vs. The Inspector General of Registration, Chennai-28 and 2 others] and to the order dated 05.09.2014 made in WP.No.21571/2014 [S.Perumal Vs. The Director of Town Panchayat, Chennai-108 and another] and would submit that in similar facts and circumstances, a positive direction was given, directing the respondents concerned to pay Gratuity, Leave Encashment Salary etc., and as such, there cannot be any impediment on the part of the respondents to disburse the same after retaining the sum of Rs.156,588/-.

4 Heard the submissions of Mr.L.P.Shanmugasundaram, learned Special Government Pleader [Coop.] appearing for the respondents.

5 Though the petitioner has prayed for a 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 respondents 1 and 2 to take note of the above cited orders and pass orders on the representation of the petitioner dated 17.11.2016, on merits and in accordance with law, within a period of eight weeks from the date of a receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

sd/

Assistant Registrar(CO)

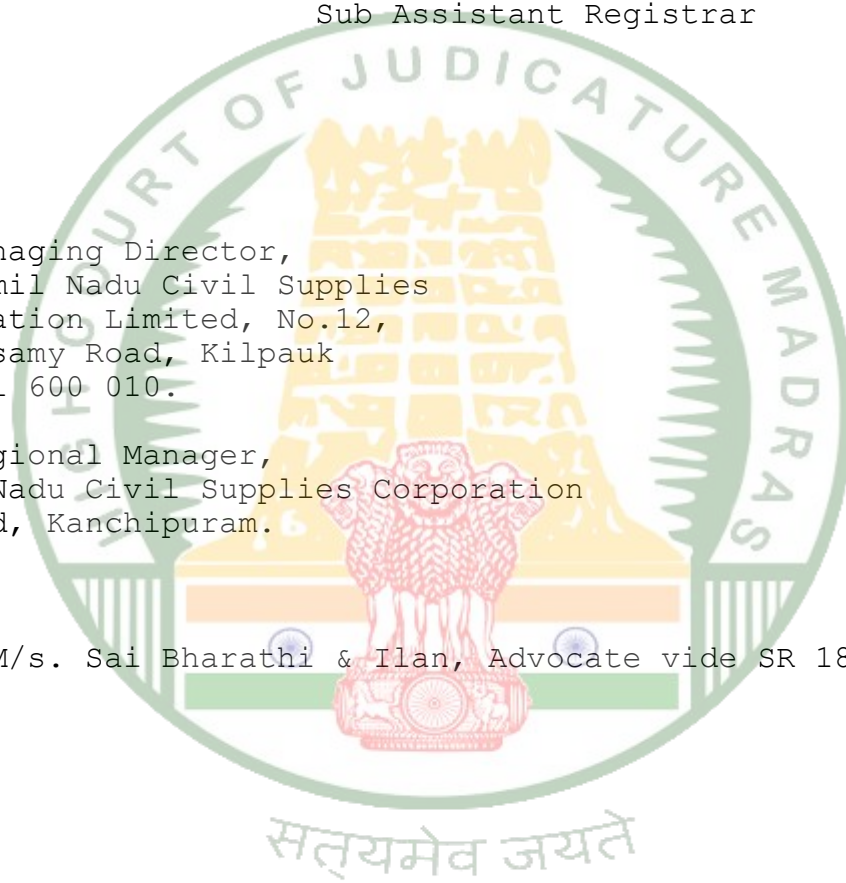
/true copy/

Sub Assistant Registrar

To

1. The Managing Director,
The Tamil Nadu Civil Supplies
Corporation Limited, No.12,
Thambusamy Road, Kilpauk
Chennai 600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Limited, Kanchipuram.

+1 CC to M/s. Sai Bharathi & Ilan, Advocate vide SR 1809



W.P.No.324/2017

WEB COPY

MV
sp/18/1