

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Review Application No.112 of 2017

in

C.M.P.No.1216 of 2010 in W.A.No.1801 of 2004

- 1.The Board of Directors,
The Tamil Nadu Industrial Investment Corporation Ltd.,
rep.by its Chairman,
473, Anna Salai, Nandanam, Chennai-35.
- 2.The Tamil Nadu Industrial Investment Corporation Ltd.,
rep.by its Managing Director,
473, Anna Salai, Nandanam, Chennai-35.
- 3.The Managing Director,
The Tamil Nadu Industrial Investment Corporation Ltd.,
473, Anna Salai, Nandanam, Chennai-35. ... Petitioners

-VS-

N.Somasundaram ... Respondent

Petition filed under Order 47, Rules 1 and 2 r/w Section 114 of the Civil Procedure Code, to review the order dated 14.02.2011 made in C.M.P.No.1216 of 2010 in W.A.No.1801 of 2004.

For Petitioners :: Mr.M.J.Jaseem Mohamed

For Respondent :: Mr.P.Ganesan for Mr.Venkata Subbaraju

ORDER

(Order of the Court was made by
HULUVADI G.RAMESH, J.)

This Review Application has been filed to review the order passed by this Court in C.M.P.No.1216 of 2010 in W.A.No.1801 of 2004, dated 14.02.2011.

2.In C.M.P.No.1216 of 2010, the petitioners prayed to return the fixed deposit of Rs.3 lakhs dated 14.10.2004 with interest thereon, lying with the Registrar General of this Court, to the petitioner-Corporation and the same was dismissed on the ground that reply affidavit to the counter was not filed by the Corporation.

3.It appears that at the time of filing the appeal in W.A.No.1801 of 2004 by the Department, an amount of Rs.3 lakhs was directed to be deposited and accordingly the petitioner-Department deposited the said sum with the Indian Bank, High Court Extension Counter, Chennai, in the name of the Registrar General of this Court. Liberty was given to the respondent/employee to withdraw the interest once in three months from the bank. However, it appears that the interest had not been withdrawn by the respondent. Thereafter, since the SLP filed by the Corporation against the writ appeal was dismissed on 26.03.2010 directing the Corporation to reinstate the employee, the

employee was reinstated, but within 10 days the employee had tendered his resignation for the reasons best known to him.

4. Now the question that arises for consideration is, at this point of time, the Department is entitled to return the interest which had accrued on the deposit, to the employee. The stand of the respondent/employee is that since there was a direction issued by the Division Bench of this Court, he is entitled for withdrawal of the interest accrued. On the other hand, the counsel for the Corporation has submitted that since the interest has not been withdrawn by the employee and also taking note of the fact that immediately after 10 days of his reinstatement, the employee tendered his resignation, the entire deposit as well as the interest should be returned to the Corporation.

5. The allegation against the respondent is for irregularities in the loan file of M/s. Luck Autotech, Ambattur for which he was awarded the punishment of reduction of rank from Manager to Assistant Manager, and this Court has set aside the disciplinary proceedings on the ground that charges were not proved. However, de novo enquiry was ordered. At that time, the respondent tendered his resignation. We do not find any justification in the contention of the learned counsel for the respondent that the respondent is entitled for the interest accrued on

the deposit, since he himself had not withdrawn the amount from the deposit for a long period of time. In this regard, ultimately it is for the Department to have a preference as against the respondent for not withdrawing the amount. It is seen that after his reinstatement, he tendered his resignation within 10 days and he, in his undertaking dated 17.03.2011, waived the amount lying in the fixed deposit.

6. Having regard to the factum of undertaking given by the respondent and the failure on the part of the respondent in withdrawing the interest accrued on the deposit and also taking note of the fact that the respondent had tendered his resignation, within a span of 10 days after reinstatement, this Court hereby directs that the entire deposit amount of Rs.3 lakhs as well as the interest accrued thereon shall be returned to the petitioner/Department.

7. The Review Application is ordered accordingly. No costs.

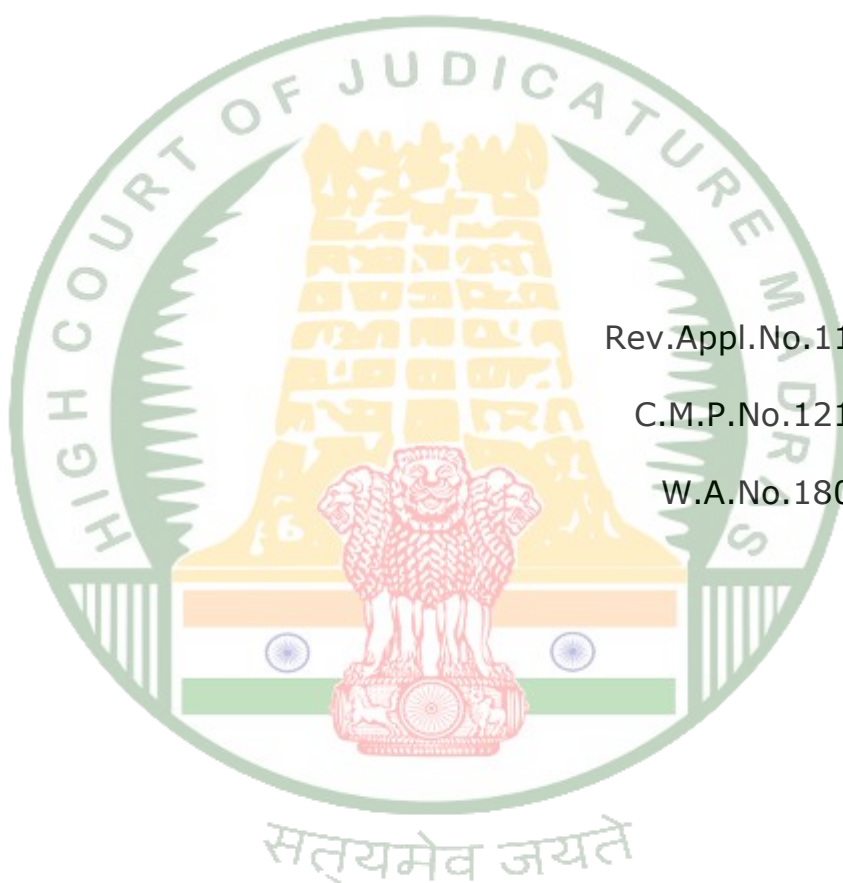
Index : Yes/No
Internet : Yes/No

(H.G.R.,J.) (T.K.R.,J.)
09.11.2017

KM

HULUVADI G.RAMESH, J.
AND
RMT.TEEKAA RAMAN, J.

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