

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.34986 of 2004

WMP.No.42216 of 2004

1. T.Sundaramurthy
2. M.Rajasekaran
3. C.Veeranamurthy
4. C.Rajendran
5. R.Radhakrishnan
- 6.D.Ganapathy
- 7.K.Kalaimani
- 8.K.Ravikumar
- 9.G.Jayachandran
- 10.S.Ramalingam
- 11.J.Selvamuthu Kumaran
- 12.R.Rajamohan
- 13.S.Natarajan
- 14.R.Kanakasabapathy

...Petitioners

Vs

- 1 State of Tamil Nadu
rep. By its Secretary to Government
Co-operation, Food and Consumer
Protection Department,
Fort St. George, Chennai 9.
2. Tamil Nadu Civil Supplies Corporation Ltd.,
rep. By its Chairman Managing Director,
No.12, Thambusamy Road,
Kilpauk, Chennai 10.
3. The Senior Regional Manager,
Tami Nadu Civil Supplies Corporation Ltd.,
Nagapattinam Region, Nagapattinam.

...Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified mandamus to call for the entire records relating to the impugned Circular vide Rc.No.R1/92980/2003 Circular No.115/2003 dated 07.10.2003 issued by the 2nd respondent, quash the same and consequently direct the respondents to adopt the Storage Loss Norms fixed in Circular H.O.Ref.No.U1/58382/81-18 dated 10.04.1984, which has been modified periodically.

O R D E R

This writ petition has been filed challenging the Circular dated 07.10.2003, issued by the 2nd respondent on the ground that pursuant to the said Circular, the authorities are likely to deduct from the salaries of the petitioners for the alleged storage loss and drriage loss in procurement, storage and distribution of paddy and rice.

2. In a connected matter in W.P.No.15578 of 2005, this Court passed the following order on 18.01.2003:-

"Though this writ petition is filed for issue of a Writ of Mandamus to forbear the respondents from in any manner initiating the recovery proceedings or making any recovery from the salary of the petitioners in respect of the Rice Stocks which were classified as non-issuable by the 2nd respondent pursuant to the letter of the 1st respondent by his proceedings D.O.No.T3/71161/2001 dated 13.09.2001, today, when the matter is taken up, learned counsel for the petitioners submitted that as per the stand of the respondents in the counter affidavit filed, individual recovery orders will be passed by the Department and in that event, the petitioners may be given liberty to challenge the same.

2. This request of the learned counsel for the petitioners seems to be very reasonable.

3. Consequently, the writ petition is disposed of giving liberty to the petitioners to challenge the orders of recovery whenever they are passed. No costs. Connected W.P.M.P. is closed".

3. In the opinion of this Court, in this case also, a similar order could be passed, because, there has not been individual demand made by the respondents from the petitioners.

4. In the result, this writ petition is disposed of, giving liberty to the petitioners to challenge the orders of recovery whenever they are passed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

To

1. The Secretary to Government
Co-operation, Food and Consumer
Protection Department,
Fort St. George, Chennai 9.
2. The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
Director,
No.12, Thambusamy Road,
Kilpauk, Chennai 10.
3. The Senior Regional Manager,
Tami Nadu Civil Supplies Corporation Ltd.,
Nagapattinam Region, Nagapattinam.

+ 1 cc to Government Pleader Sr.14281
+ 1 cc to Mr.T.S. Prabakar, Advocate SR.13627

W.P.No.34986 of 2004

AK(CO)
EU 14.3.17



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