

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.26531 of 2003 &
W.M.P.No.32448 of 2003

L.Sridharan

... Petitioner

v.

1. The Management Director,
Tamil Nadu Water Supply and
Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai-600 005.

2. The Secretary (I/O)
Tamil Nadu Water Supply and
Drainage Board,
No.31, kamarajar Salai,
Chepauk, Chennai-600 005.

.... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the records connected with the Letter No.038300/EA/A1/HC/2003 dated 18.06.2003 passed by the second respondent and quash the same and further direct the respondents to refund the petitioners Rs.5000/- with 12% interest per annum from 27.03.2002 onwards.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mrs.K.Bhuvaneswari,
Government Advocate

O R D E R

The Writ Petition has been filed to call for the records connected with the Letter No.038300/EA/A1/HC/2003 dated 18.06.2003 passed by the second respondent and quash the same and further direct the respondents to refund the petitioners Rs.5000/- with 12% interest per annum from 27.03.2002 onwards.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The brief facts involved in the case of the petitioner is that the petitioner is the retired employee of Tamilnadu

Water Supply and Drainage Board. When he worked as Superintendent at World Bank Division (Defunct) Mettur Dam, a charge memo was framed on him on 31.12.1992. After explanation, the authority by its order dated 19.07.1996 passed the final order holding that the charges were not proved against the petitioner. The charge memo, which reads as follows:

"CHARGE No.1: that he was negligent in his duties as evidenced from the fact that the Indira Vikas Patras and Bank Guarantee to the value of Rs.3,72,050/- which were under his custody were stolen by an office Assistant Thiru Subramanian."

4. Hence, the Enquiry Officer himself held that the charge No.1 is not proved and accordingly, he prayed for setting aside the order passed by the second respondent dated 18.06.2003.

5. The said charge memo has nothing to do with the present case on hand. On perusal of the order dated 20.07.2002, it is manifested that the second respondent categorically held that the Indira Vikas Patra worth about Rs.5,000/- under the custody of the petitioner was still not traceable and he was directed to pay the said amount in order to settle the terminal benefits. Accordingly, the petitioner paid the amount without any protest and he was allowed to retire and settle the entire retirement benefits. After fourteen years, that too, when the petitioner himself admitted the guilt and paid the amount without any protest, it is not possible for this court to interfere with the order passed by the respondent unless positive materials are placed before this Court.

Accordingly, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

gv/sji

To

1. The Management Director,
Tamil Nadu Water Supply and
Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai-600 005.

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2. The Secretary (I/C)
Tamil Nadu Water Supply and
Drainage Board,
No.31, kamarajar Salai,
Chepauk, Chennai-600 005.

W.P.No.26531 of 2003
& W.M.P.No.32448 of 2003

PVS (CO)
NR 26/10/2017



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