



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2017

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.1169 of 2016

M.Rajasekar

... Petitioner

-vs-

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai Region, Plot No.100,
Anna Nagar, Madurai-20.
2. S.Dhanapal, The Senior Regional Manager, TASMAC, Madurai-20.
3. The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai South, Kappalur, Madurai. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to refund the deposit amount of Rs.20,730/- paid in pursuant to the order passed in W.P.(MD) No.16805 of 2014 dated 15.10.2014 and back wages for the period 27.09.2014 and 08.11.2014 to the petitioner within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.M.Muniyasamy

O R D E R

This petition has been filed, seeking to direct the respondents to refund the deposit amount of Rs.20,730/- paid pursuant to the order passed in W.P.(MD) No.16805 of 2014 dated 15.10.2014 and back wages for the period 27.09.2014 and 08.11.2014 to the petitioner.

2. The case of the petitioner is that he is working as Supervisor and he was terminated from service on 27.09.2014 by the 3rd respondent on account of deficit in cash of Rs.20,730/- during the local audit inspection; that challenging the said termination, he filed a writ petition in W.P.(MD) No.16805 of 2014 before this Court, wherein the petitioner was directed to deposit the said deficit amount as a pre-condition to order withdrawal of termination order; that the petitioner also deposited the amount; that in the appeal filed by the petitioner before the 1st respondent, the termination order was set aside and the deposit amount was ordered to be refunded; the since the amount has not been refunded to him,

he is before this Court, seeking the above relief.

3. According to the respondents, after following procedures and pursuant to instructions given in the Code of Prevention and Detection of Fraudulent Acts in TASMAL, a sum of Rs.10,000/- has been levied as fine on the petitioner and the petitioner, without remitting the said amount, filed appeal before the 2nd respondent, who then was holding the post of SRM, TASMAL, Madurai Region and the same was allowed and therefore, the said amount is being withheld by the respondents.

4. Heard the learned counsel on either side.

5. It is not in dispute that the petitioner joined the services of TASMAL Corporation in the year 2013 in Shop No.5291 and he was terminated from service along with others on 27.09.2014, on the ground that there was a cash deficit during local audit inspection. The termination order was withdrawn and this Court in W.P.(MD) No.16805 of 2014 directed the petitioner to deposit the deficit amount of Rs.20,730/- and the petitioner has been reinstated in service.

6. In the meanwhile, the 3rd respondent framed charges against the petitioner on 30.10.2014 against the petitioner and others and a detailed explanation was submitted by the petitioner. Based on the detailed enquiry, the enquiry officer submitted a report holding that the charges were proved and a final order came to be passed on 08.04.2015 and the persons concerned were directed to pay a sum of Rs.10,000/- each in addition to the deposit amount already paid.

7. Thereafter, the petitioner filed appeal, in which the order of the 3rd respondent was set aside by the Appellate Authority holding that charges have not been proved, but however, the petitioner was warned to be careful in future. The petitioner has submitted that even after the order passed in appeal exonerating him from all the charges, he has not been paid any amount deposited with the respondents. The petitioner was under suspension for a period of two months, for which he is entitled to wages apart from the amount already deposited.

8. Finding more substance in the contention raised by the petitioner, this Writ Petition is disposed, directing the respondents to refund the deposited amount of Rs.20,730/- to the petitioner together with the difference in wages for the suspension period after regularizing the period of suspension, if not already done earlier. The entire amount will have to be paid to the petitioner within a period of two months from the date on which a copy of this order is made ready, failing which, the same has to be paid with interest @ 12% per annum from the date of writ petition.

9. Since the petitioner has deposited the cash amount of Rs.20,730/- with the respondents, it would certainly fetch interest.



Hence, the respondents shall return the said amount together with interest @ 4% per annum from the date of deposit. No costs.

Sd/-

Assistant Registrar(Records)

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/True Copy/

Sub Assistant Registrar

To:

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai Region, Plot No.100,
Anna Nagar, Madurai-20.
2. The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai South, Kappalur,
Madurai.

+1 cc to Mr. N.SATHISH BABU , Advocate, Sr.No:1857

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MAS/CM-MSA:22.02.2017:2P/4C

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