

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.40089 of 2006 and
M.P.No.1 of 2006

K.Manikkam

... Petitioner

Vs

1.The Tamil nadu Civil Supplies
Corporation Ltd.,
rep. by its Chairman and
Managing Director,
No.42, Thambusamy Road,
Kilpauk, Chennai 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies
Corporation Ltd.,
Tiruvallur Region,
Tiruvallur.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying to issue Writ of Declaration
declaring the action of the respondents in recovering the sum
of Rs.43,680/- from the petitioner pursuant to the order of
the second respondent dated 13.01.2000 bearing
Ref.RC.B1/2310/98 and the first respondent dated 01/06/2000,
bearing Ref.RC.Proc.No.M17/19106/2000 as illegal.

For Petitioner : Mr.T.Saikrishnan

For Respondents-2: Mr.L.P. Shanmugasundaram
Special Government Pleader

ORDER

This writ petition has been filed seeking a declaration
to declare the action of the respondents from recovering the
sum of Rs.43,600/- pursuant to the orders, as illegal.

2.The brief facts of the case are as follows:

Petitioner had been working as a Junior Assistant in the
respondents Corporation. On 08.09.1998, petitioner was
deputed for transporting rice from the Food Corporation of
India, Sevrur Godown to Nazarsthpettai godown. Petitioner was
entrusted with the duty to oversee the transportation alone by

entering the appropriate truck memos and that the rice bags are duly unloaded in the Nazarathpettai godown and the truck memos are discharged. Totally 7 loads of rice was transported on 08.09.1998 and was received without any deficit. It is further averred in the affidavit that, there were two varieties of rice, one is APL (Above Poverty Line) and the other is BPL (Below Poverty Line). The BPL variety is of low cost and the price difference would be Rs.43,680/- for 12.480 metric tonnes. The total 7 loads that were transported was BPL rice and even in the truck memo, the description is shown as BPL rice. Since inferior qualities were supplied, the second respondent by communication dated 22.10.1998 had directed the Food Corporation of India to refund the price difference amount of Rs.43,680/-. Thereafter, there had been communications between the parties in respect of the said amount. While so, on 10.12.1998, a show cause notice had been issued to the petitioner by the second respondent for recovering the said amount of Rs.43,680/- from the petitioner. On receipt of the said show cause notice, the petitioner, without submitting any written explanation, had submitted the copies of reply letters received from the Regional Manager of Food Corporation of India and explained that there had been correspondence between the second respondent and the Food Corporation of India with regard to the amount and hence, the petitioner is no way liable for the same. In spite of the above, the second respondent passed an recovery order dated 13.01.2000 and the petitioner had also preferred an appeal to the first respondent on 10.02.2000.

3. Though at first, the first respondent by order dated 05.06.2000 rejected the appeal preferred by the petitioner, the review petition filed by the petitioner had been allowed by order of the first respondent dated 29.07.2000 deferring the order of recovery. It is further contended that the second respondent instead of recovering the amount from the Food Corporation of India now taking steps to recover the amount from the petitioner and hence, the petitioner has filed the present petition.

4. Mr.T.Sai Krishnan, learned counsel appearing for the petitioner would submit that in the review petition filed against the order of recovery of the second respondent, the first respondent had only directed to defer the order of recovery and no final order had been passed. Hence, it would suffice, if a direction is issued to the first respondent to dispose of the review petition filed by the petitioner on merits and in accordance with law.

5. Having regard to the facts and circumstances of the case, in view of the submission made by the learned counsel for the petitioner, the first respondent is directed to pass orders on the review petition filed by the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The

petitioner is also directed to furnish the copy of the review petition and the recovery order passed in the review petition to the first respondent so as to enable him to pass appropriate orders.

6. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Tamil Nadu Civil Supplies Corporation Ltd.,
rep. by its Chairman and Managing Director,
No.42, Thambusamy Road,
Kilpauk, Chennai 600 010.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Tiruvallur Region,
Tiruvallur.

+1 cc to M/s. Sai Bharath & Ilan, Advocate Sr.37279

W.P.No.40089 of 2006

(CCC)
EU(12/07/2018)

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