



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6555 of 2018

Shajahan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 10.

2.R.Ulaganathan,
Manager, (Quality Control),
Tamil Nadu Civil Supplies
Corporation,
Thiruvarur, Thiruvarur District.

... Respondents

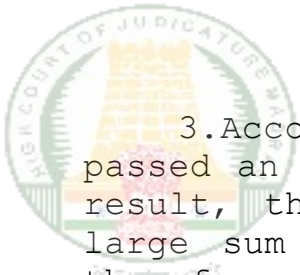
Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus thereby directing the first respondent to consider my representation dated 08.02.2018 for take disciplinary action against the second respondent for his duty dereliction and misconduct and consequently direct the second respondent to pay adequate compensation to the petitioner for his mental agony.

For Petitioner	: Mr.R.Manickam
For Respondents	: Mrs.S.Srimathy, Special Govt.Pleader for R1

ORDER

Heard the learned counsel on either side. This writ petition is taken up for final disposal with the consent of both parties.

2.The petitioner was employed in the first respondent corporation. He retired on 30.06.2014 as Assistant Quality Inspector. The grievance of the writ petitioner is that the second respondent illegally passed an order for recovery to the tune of Rs.78,674/-. The petitioner questioned the same by filing WP(MD)No.12807 of 2014. When the matter was taken up, it was stated that the recovery proceedings against the petitioner stood dropped. Since there was no further action was necessary, recording the said statement of the second respondent herein, the writ petition was disposed of on 25.03.2015.



3. According to the petitioner, the second respondent had passed an order of recovery with bad faith and ill motive. As a result, the petitioner had suffered a heart attack and spent a large sum towards his medical expenditure. The petitioner has therefore submitted a representation dated 22.04.2015 to the first respondent for taking action against the second respondent. The petitioner submitted a reminder on 18.03.2016 and again on 18.02.2018. Since there was no response, the present writ petition came to be filed.

4. This Court is of the view that the petitioner is absolutely justified in his grievance. An order of recovery ought not to have been passed in the very first instance. But, be that as it may, no purpose will be served in seeking to revive settled matters. The writ petitioner has since retired from service and this Court is of the view that he should forget the unpleasant events. In any event, taking disciplinary action against the second respondent is a matter that should be left to the first respondent. This Court cannot issue any positive direction in this regard. That apart, when the petitioner filed WP(MD) No.12807 of 2014, he must have obtained a direction against the second respondent herein in the very same proceedings.

5. Since the statement made by the respondents was accepted by this Court and the matter was disposed of, there cannot be a second innings. This Court is of the view that the petitioner should rather come to terms with his past. This Court hopes that the time would heal the wounds caused to the petitioner.

6. With these observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk, Chennai - 10.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.59239.

W.P(MD) No.6555 of 2018

27.03.2018