



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14557 and 13876 of 2014

&

MP(MD)Nos.1 and 1 of 2014

S.S.Naganathan ... Petitioner in W.P.14557/2014

M.Shajahan ... Petitioner in W.P.13876 of 2014

Vs.

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 10.
2. The General Manager (Administration)
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 10.
3. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Sivagangai Region,
Sivagangai. ... Respondents in both Writ Petitions

Prayer : This writ petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent vide Na.Ka.No.AC7/4915/2010 dated 24.07.2014 and 30.06.2014 respectively and quash the same and consequently direct the respondents to pay the retirement benefit payable to the petitioner with interest at the rate of 12% from the date on which it become payable till the date of realisation.

For Petitioner in
both petitions : Mr.D.Shanmugaraja Sethupathi

For Respondents
in both petitions : Mr.R.Vijayakumar

O R D E R

In both the writ petitions, orders of recovery are under challenge.

2. The writ petitioners were the employees of Civil Supplies Corporation and were responsible for procurement of gunny bags. The allegation is that the writ petitioners had not made procurement from proper sources. The specific allegation is that loss was caused to the respondent. The loss amount has also been quantified in the impugned orders of recovery,. But, the writ petitioners were not put on notice before arriving at the loss figure. The impugned order has been passed in violation of principles of natural justice. The writ petitioners were not given opportunity to contest the claim made by the respondent.

3. The learned counsel for the writ petitioner would submit that the writ petitioners got retired from service long time back.

4. The impugned orders are quashed. The matters are remitted to the file of the second respondent to pass fresh orders in accordance with law. It is made clear that the entire exercise shall be completed on or before 28.02.2018. The respondents are directed to disburse the retiral benefits payable to the petitioners after withholding the amount mentioned and claimed by the respondent. It is also made clear that the disbursement or otherwise of the withheld amounts will depend on the outcome of the proceedings now remitted to the file of the second respondent.

5. These writ petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

+2 ccs TO Mr.D.Shanmugaraja Sethupathi, Advocate in SR No. 43207,43206

+ 2 ccs TO Mr.R.Vijayakumar , Advocate in SR No. 43032,40990, 43033

Arul

AE/KKR/SAR1/31.01.2018/2P/5C

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