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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.19367 of 2014

J.Samuel Selvarathinam ... Petitioner

Vs.

1. Tamil Nadu Civil Supplies Corporation,
   Represented by its Managing Director,
   12, Thampusamy Road,
   Kilpauk, Chennai-600 010.

2. The Regional Manager,
   Tamil Nadu Civil Supplies Corporation,
   Collectorate, Virudhunagar. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certioraried Mandamus calling for the records to the impugned order passed by the 1st respondent in Na.Ka.No.VC5/45954/2008, dated 24.09.2014 and quash the same and consequently direct the 1st respondent to repay the amount of Rs.61,192/- which has been wrongly deducted from the petitioner's retirement benefits with interest.

For Petitioner : Mr.S.Satheesh Kumar
For Respondents : Mr.P.Seetharaman
for R2
: No Appearance for R1

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ORDER

Heard Mr.S.Satheesh Kumar, learned counsel, appearing for the petitioner and Mr.P.Seetharaman, learned counsel, appearing for the second respondent.

2.By consent of both the parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner retired from his service in Tamil Nadu Civil Supplies Corporation on 30.04.2008. He was holding the post of Quality Inspector at the time of his retirement. The petitioner

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was allowed to retire from service, but without prejudice to the pending storage loss and other recoveries for a sum of Rs,61,192/-, which was withheld from the terminal benefits of the petitioner. The petitioner applied for release of the said withheld amount. By the impugned order dated 24.09.2014, the first respondent informed the petitioner that it is not possible to release the said amount.

4.The specific contention of the petitioner is that the said amount was ordered to be withheld, without putting the petitioner on notice. The recovery of cost by the Corporation is in fact a penalty. For levying such a penalty, authorities ought to have followed certain procedures. In this case, it is obvious that no such procedure was adopted. In order to withhold the said amount, mechanically an order was passed in complete violation of the principles of natural justice. This is clearly illegal. Therefore, this Court has to allow this writ petition.

5. The first respondent is directed to disburse the said amount of Rs.61,192/- to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6.This Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.S.Satheesh Kumar , Advocate in SR No. 40133
+ 1 cc TO Mr.P.Seetharaman , Advocate in SR No. 40166

tsg
AE/KK/SAR2/01.02.2018/2P/3C

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