

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 18538 of 2004

O R D E R:

The petitioner submits that while he was working as Deputy Plant Manager, respondents-Corporation had issued the impugned proceedings, dated 15.12.2003 ordering recovery of the amount of Rs.22,594.95 from out of his retiral benefits on the ground that excess expenditure incurred on extraction of pulpwood.

2. During the pendency of the above writ petition, this court by order dated 11.10.2004, granted interim stay of all further proceedings if the recovery is not made.

3. At the time of hearing, learned counsel for petitioner submits that during pendency of the writ petition, the petitioner retired from service and that the respondents have adjusted the said amount from out of his retiral benefits.

4. The grievance of the petitioner is that the respondents-Corporation without following due process of law issued the impugned proceedings. Hence, he filed the writ petition seeking *Mandamus* declaring the action of respondent No.2 in issuing the

impugned Proceedings, dated 15.11.2003, as illegal and arbitrary and set aside the same with all consequential benefits .

4. Heard both sides. Perused the material on record as well as the impugned order.

5. After examination of the material on record, this court finds that in the impugned order dated 15.11.2003, there is a reference of Proceedings dated 13.02.2003, which is filed as a material paper at page No.13, wherein respondents-Corporation had straight away passed orders to remit certain amounts mentioned therein on or before 10.03.2003 and thereafter, again respondents straight away passed the impugned orders on 15.11.2003. In both the cases, respondents-corporation, without conducting any enquiry and without issuing any charge sheet, straight away passed the said orders, which is illegal and arbitrary.

6. In view of the above submissions, this court is of the opinion that the impugned orders are passed against the principles of natural justice which is liable to be set aside.

7. Accordingly, the writ petition is allowed and the impugned order dated 15.12.2003 is set aside directing the respondents-

Corporation to refund the amount already adjusted from the retiral benefits of the petitioner within a period of four (04) weeks from the date of receipt of the copy of the order. No costs.

8. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

27th September, 2018
Mj//*

ABHINAND KUMAR SHAVILI, J

