

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.5777 of 2013
and M.P.No.1 of 2013

N.Puneeswaran

... Petitioner

Vs

1.Tamil Nadu Civil Supplies Corporation Limited,
Rep. by its Managing Director,
No.42, Thambu Swami Road,
Kilpauk,
Chennai - 600 006.

2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Limited,
Thiruvarur.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, praying to call for the records connected with the impugned orders of recovery of Rs.36,245.27/- issued by the second respondent vide proceedings No.SL7/20940/2008, dated 22.03.2011 and subsequent 32 impugned orders issued on different dated by the second respondent till 29.04.2011 as per annexure and quash the same and further direct first respondent to refund the amount already recovered by the second respondent from the salary of the petitioner from September, 2011 to till date with interest at the rate of 12% per annum and damages caused due to mental agony unnecessarily created by them, within the specified time frame.

For Petitioner : Mr.G.P.Arivuchudar

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)
for R1 to R3

O R D E R

The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus, praying to call for the records connected with the impugned orders of recovery of Rs.36,245.27/- issued by the second respondent vide proceedings No.SL7/20940/2008, dated 22.03.2011 and subsequent 32 impugned orders issued on different dates by the second respondent till 29.04.2011 as per annexure and quash the same and further direct first respondent to refund the amount already recovered by the second respondent from the salary of the petitioner from September, 2011 to till date with interest at the rate of 12% per annum and damages caused due to mental agony unnecessarily created by them, within the specified time frame.

2. The petitioner working as Assistant Quality Inspector in Edaiyarnatham Open Yard Storage Centre during 2008-2009 and the petitioner was incharge of 110 stocks of paddy. It is stated in the writ petition that petitioner was in charge of the paddy stocks from 24.11.2008 to 29.11.2008. The paddy was stored in open air and paddy was damaged. It is stated that instructions were issued to the officers to take steps to salvage the paddy.

3. The petitioner states that he received 32 show cause notices in the month of August, 2010, alleging that he was responsible for the loss occurred during 2008-2009. The petitioner filed his reply to the show cause notices. Orders were passed for recovery of Rs.4,62,565/-. The petitioner states that he has filed an appeal to the Managing Director, Tamil Nadu Civil Supplies Corporation Limited and the appeal is still pending. The petitioner states that during the pendency of the appeal, the process of recovery of amount did not stop.

4. The learned counsel for the petitioner, therefore challenges the recovery of Rs.4,62,565/-. A perusal of the averment in the affidavit would show that though the appeal was filed as early as June 2011, the same has not been disposed of. It is settled law that one cannot approach two forums having competent jurisdiction, at the same time. The petitioner has filed this writ petition during the pendency of the appeal. This cannot be permitted. In the presence of an efficacious alternative remedy, this Court is not inclined to entertain the writ petition under Article 226 of the Constitution of India.

5. However, in view of the fact that the appeal was filed by the petitioner in 2011 and has not been disposed of, this Court directs the 1st respondent to consider the appeal and pass orders within a period of ten weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is dismissed with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ub

To

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Limited,
No.42, Thambu Swami Road,
Kilpauk,
Chennai - 600 006.

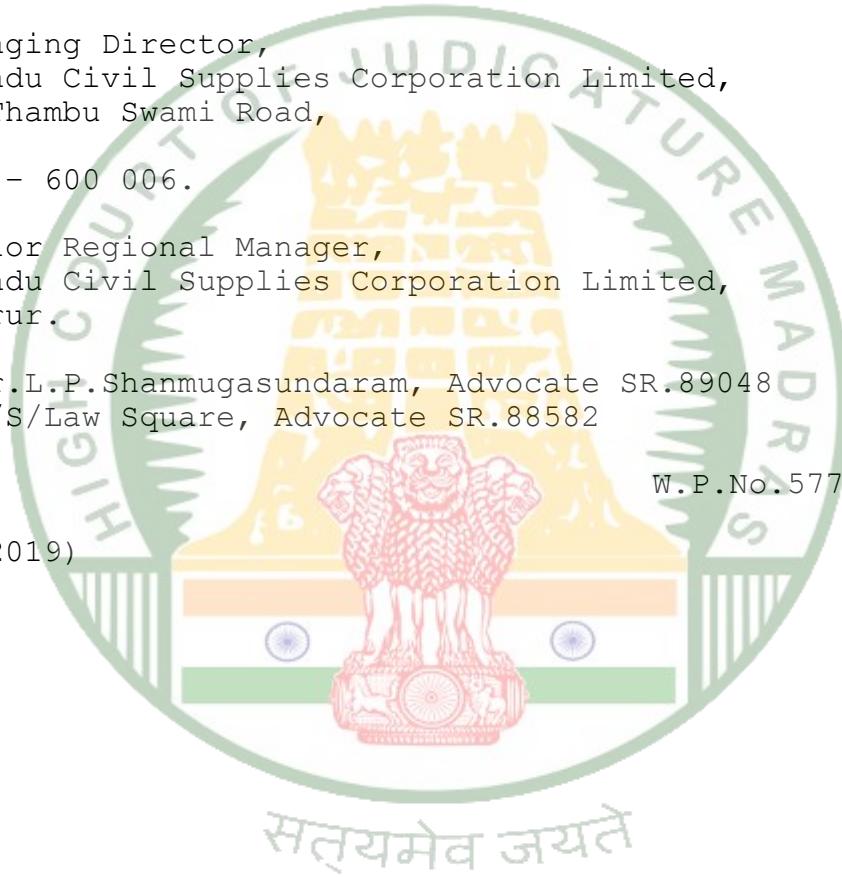
2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Limited,
Thiruvarur.

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.89048

+1cc to M/S/Law Square, Advocate SR.88582

W.P.No.5777 of 2013

KK(CO)
CB(02/12/2019)



WEB COPY