



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.21474 of 2015

and

M.P. (MD) No.1 of 2015

WEB COPY

K.Srinivasan

... Petitioner

-Vs-

The District Collector,
Karur District, Karur.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in connection with the impugned order of recovery and impugned order of rejection of appeal passed by him in his proceedings in Na.Ka.Pava.6/1098/2012 dated 21.03.2013 and Na.Ka.No.Pava.6/1098/2012 dated 20.12.2012 (26.12.2013) respectively and quash the both as arbitrary and colourable exercise of power and consequently, direct the respondent to reimburse the recovered amount within the time limit that may be stipulated by this Court.

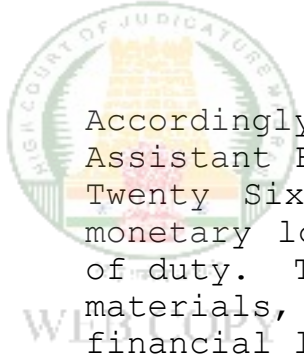
For Petitioner : Mr.G.Thalaimutharasu
For Respondent : Mr.K.Mu.Muthu,
Additional Government Pleader.

ORDER

The order of recovery dated 21.03.2013 and appellate order, confirming the order of recovery dated 26.12.2013 are under challenge in the present Writ Petition.

2.The writ petitioner was working as Assistant Engineer and when he was working in Krishnapuram Panchayat Union, 18 number of tar barrels, were found missing from the godown during the night hours. Thus, a criminal case was registered before the Mayanoor Police Station on 07.03.2012. However, the articles were not recovered and consequently, the financial loss occurred to the State exchequer is sought to be recovered from the officers, who are all responsible.

3.The learned Additional Government Pleader appearing on behalf of the respondent made a submission that an enquiry was conducted on 18.09.2012. Based on the enquiry, responsibilities were fixed. According to the Government Orders and as per the ratio fixed by the Government, the impugned order categorically states that the Union Engineer was directed to pay 60% of the total costs, the Assistant Engineer was directed to pay 20% of the total costs. The Road Inspector was directed to pay 10% of the total costs and the Night Watchman was directed to pay 10% of the total costs.



Accordingly, the writ petitioner, who was holding the post of Assistant Engineer was directed to pay a sum of Rs.26,343/- (Rupees Twenty Six Thousand Three Hundred and Forty Three Only) towards monetary loss occurred, on account of their lapses and dereliction of duty. The officials, who are all responsible for maintaining the materials, belongs to the Government, are undoubtedly liable to pay financial loss, if any occurred.

4.This being the principles to be followed, there is no infirmity in respect of the impugned order passed. In the present case on hand, enquiry was conducted, an opportunity was provided to the writ petitioner. However, financial loss occurred to the State exchequer is to be recovered from those officials, who are all responsible for financial loss.

5.In view of the fact that the writ petitioner was directed to pay financial loss of 20% of total costs, there is no infirmity and the order impugned is in accordance with the legal principles settled in this issue.

6.Accordingly, the writ petitioner is bound to settle the financial loss occurred, on account of his lapses and dereliction of duty. Under these circumstances, the writ petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for in the present Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To
The District Collector,
Karur District, Karur.

+1 CC to SPL GP SR-70021.

+1 CC to Mr.G.THALAIMUTHARASU, Advocate SR-69962.

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CS: (03/07/2019) 2P 4C