

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4238 of 2020

M.Govindarajan

...Petitioner

Vs.

1.The State of Tamil Nadu rep.by its
Secretary to Government,
Highways and Minor Ports Department
Secretariat, Chennai-9.

2.The Director General of Highways,
Guindy, Chennai-25.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the claims of the petitioner and refund the amount deducted from the petitioner's salary every month from 07.11.2006 to 30.04.2018 in pursuance to the punishment order issued in GO [3D] No.111, Highways [HL.3] Department dated 07.11.2006 since the disciplinary proceedings was cancelled by the Government in GO.[D] No.47, Highways and Minor Ports [HR2] Department dated 14.03.2018 based on the order of this Court in WP.No.24123 dated 26.08.2016.

For Petitioner : Mr.K.Sannjay
For Respondents : Mr.S.N.Parthasarathy, GA

O R D E R

This writ petition has been filed for the issue of writ of Mandamus, directing the respondents to consider the representation made by the petitioner, who is seeking for refund of certain amounts, which was deducted from the salary of the petitioner, in view of a punishment that was ordered against the petitioner and which was later cancelled by the Government.

2. The case of the petitioner is that he was working as an Assistant Engineer in the Highways Department. A charge memo came to be issued against him in the year 2001. After enquiry,

the 1st respondent had issued an order of punishment of stoppage of increment for two years with cumulative effect. This order was passed in the year 2006. Aggrieved by the same, the petitioner approached this Court and filed WP No.33107 of 2012 and this Court had set aside the punishment imposed against the petitioner and the matter was remanded back to the 1st respondent. Thereafter, the 1st respondent by proceedings dated 14.03.2018, had cancelled the order of punishment imposed against the petitioner. The petitioner claims that he was thereafter promoted as Divisional Engineer.

3. The petitioner attained superannuation on 30.04.2018 and the petitioner is also drawing pension. According to the petitioner, there was recovery of amount which took place at the time when the punishment was in force and the petitioner is claiming for the refund of the said amount on the ground that the punishment itself was later cancelled by the 1st respondent. The petitioner had made a representation in this regard to the 1st respondent on 20.12.2019. Since the same did not evoke any kind of response, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 20.12.2019 and deal with the same, in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with earlier representation dated 20.12.2019 and also a copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
The State of Tamil Nadu,
Highways and Minor Ports Department
Secretariat, Chennai-9.

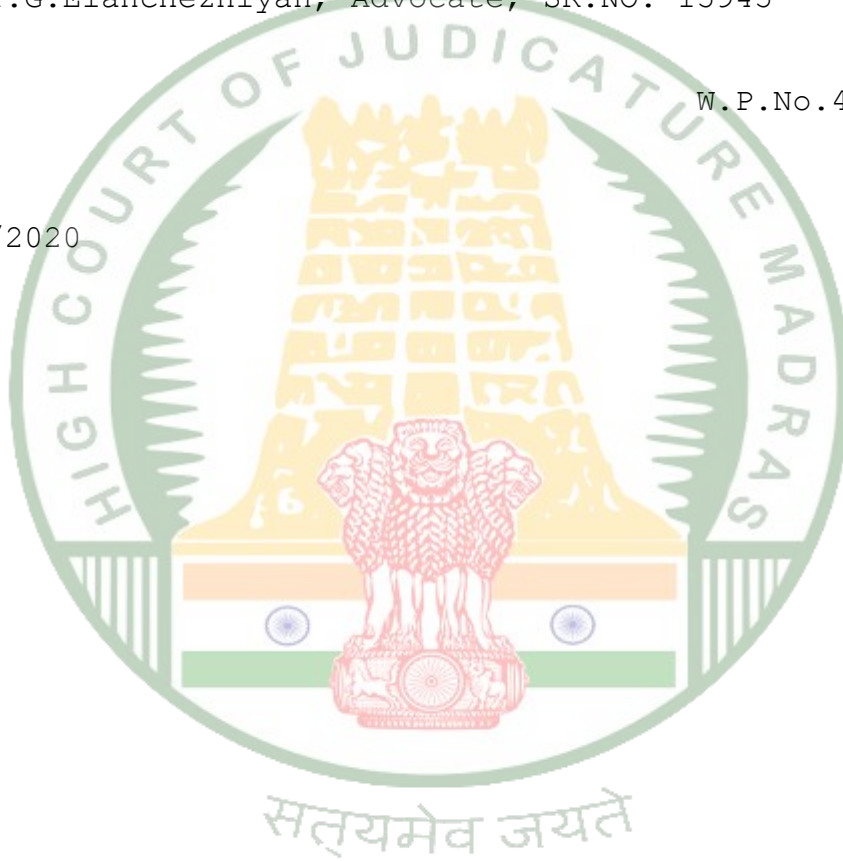
2.The Director General of Highways,
Guindy, Chennai-25.

+1cc to Government Pleader, SR.NO. 16726

+1cc to Mr.G.Elanchezhiyan, Advocate, SR.NO. 15945

W.P.No.4238 of 2020

NRJK (CO)
KKV/24/09/2020



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