

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.03.2020
CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
And
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.Nos.13690 and 14032 of 2019
And
W.M.P.Nos.13752 and 14092 of 2019

- 1.Union of India
rep. by Secretary,
Ministry of Information & Broadcasting,
A-Wing, Shastri Bhavan,
New Delhi 110 001.
- 2.The Director General,
All India Radio, Akashvani Bhavan,
Parliament Street,
New Delhi 110 001.
- 3.The Deputy Director General (E)
Prasar Bharati, India's Public Service Broadcaster
High Power Transmitter
All India Radio, Avadi,
Chennai 600 062.
- 4.Pay & Accounts Officer,
All India Radio, Mylapore,
Chennai 600 004. Petitioners in W.P.No.13690/2019

- 1.Union of India Rep. by
Secretary,
Ministry of Information & Broadcasting,
A wing, Shastri Bhavan,
New Delhi - 110 001.

- 2.The Director General,
Doordarshan, Doordarshan Bhavan,
Copernicus Marg,
New Delhi - 110 001.

3.The Deputy Director General (F),
Doordarshan Kendra,
Chepauk, Chennai - 600 005.

4.Pay & Accounts Officer,
Doordarshan Kendra,
Chepauk,
Chennai - 600 005.

... Petitioners in
W.P.No.14032/2019

Vs.

1.Shri S.Athi

2.The Registrar,
Central Administrative Tribunal,
Chennai 600 104.

... Respondents in
W.P.No.13690/2019

1.The Registrar,
Central Administrative Tribunal,
Chennai.

2.S.Parthasarathy ... Respondents in W.P.No.14032/2019

Prayer in W.P.No.13690 of 2019:

Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the order passed by the 2nd respondent in O.A.No.1045/2016 dated 20.12.2018 quash the same.

Prayer in W.P.No.14032 of 2019:

Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the order of 1st respondent made in O.A.No.1693 of 2016 dated 30.10.2018 and quash the same.

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For Petitioners : Mr.V.Chandrasekaran
in both W.Ps.

For Respondents : Mr.D.Muthukumar for R1
for M/s.Paul & Paul
R2 - Tribunal
in W.P.No.13690/2019

R1 - Tribunal
Mr.Muthukumar for
for M/s.Paul & Paul
in W.P.No.14032/2019 for R2

C O M M O N O R D E R

(Order of the Court was delivered by M.M.SUNDRESH,J.)

The writ petitions revolve around a very shot issue which is only with respect to the recovery of about Rs.3 to 4 Lakhs sought to be made. As the petitioners admitted the refixation made the tribunal allowed the original applications on the premise that the undertaking given by the private respondents are after their retirement.

2.The learned counsel appearing for the petitioners submitted that such an undertaking was also given prior to the retirement - at the time of fixation, therefore the orders require interference.

3.We do not find any reason to interfere with the orders passed. The petitioners cannot produce any material before this Court to contend. On the contrary what was produced before Tribunal was the undertaking given after the retirement. If the petitioners have got any undertaking before retirement, there is no necessity to produce and rely upon the undertaking given after retirement.

4.It also appears that the private respondents have not been put on notice. In any case, recovery is sought to be made after retirement. Considering the above, we do not find any reason to interfere with the orders passed. Though in one of the cases recovery is sought to be made five months prior, the reasons assigned by us in the other case insofar as the want of notice and non production of the undertaking during the currency of employment would also apply to the said case aforestated view.

5.The writ petitions are accordingly dismissed leaving the question of law left open. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

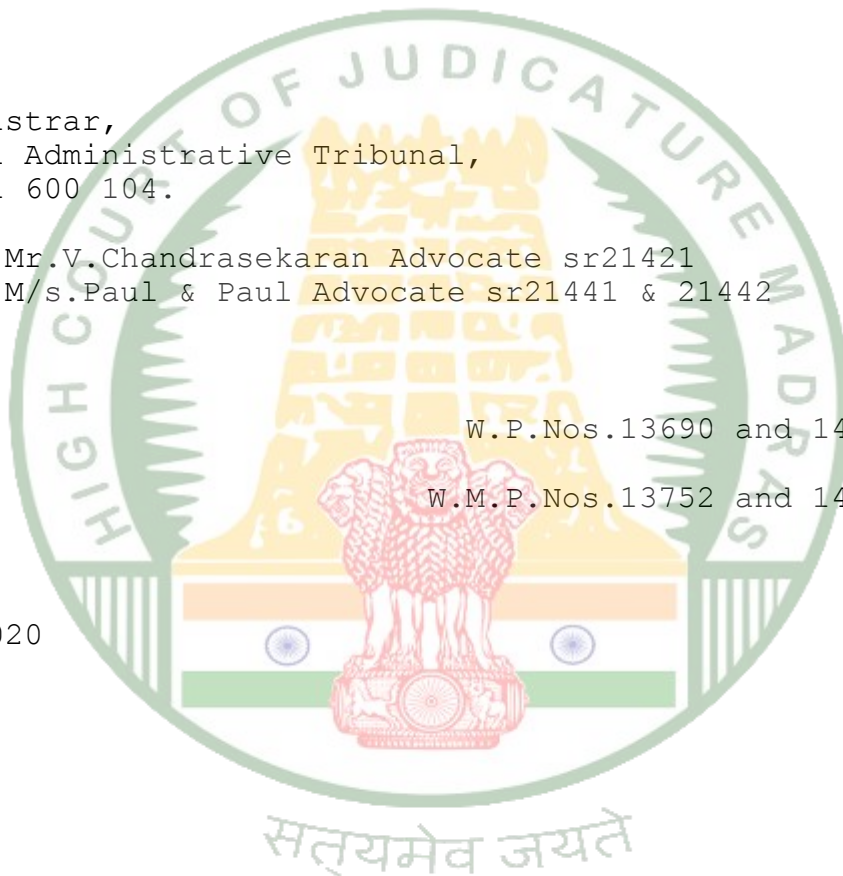
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To

1.The Registrar,
Central Administrative Tribunal,
Chennai 600 104.

+2 ccs to Mr.V.Chandrasekaran Advocate sr21421
+2 ccs to M/s.Paul & Paul Advocate sr21441 & 21442

W.P.Nos.13690 and 14032 of 2019
And
W.M.P.Nos.13752 and 14092 of 2019

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