



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) .No.611 of 2020

and

W.M.P. (MD) .No.446 of 2020

S.Pannerselvam

... Petitioner

Vs.

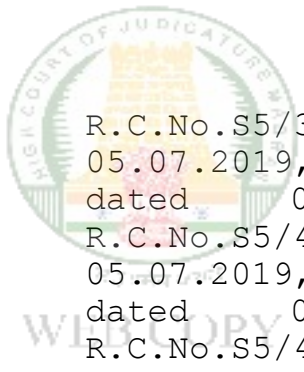
1.The Managing Director,
Head Office,
Tamilnadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

2.The Senior Regional Manager,
Nagapattinam Region,
Tamilnadu Civil Supplies Corporation,
Nagapattinam.

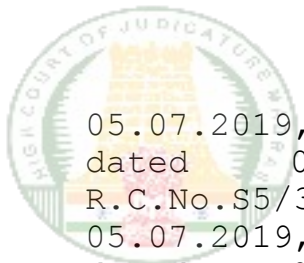
3.The Regional Manager,
Dindigul Region,
Tamilnadu Civil Supplies Corporation,
District Collector Office Campus,
Dindigul,
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining the proceedings of the 2nd Respondent in his in R.C.No.S5/1148/15 dated 05.07.2019, R.C.No.S5/1151/15 dated 05.07.2019, R.C.No.S5/1150/15 dated 05.07.2019, R.C.No.S5/2227/15 dated 01.07.2019, R.C.No.S5/3156/15 dated 22.06.2019, R.C.No.S5/1470/15 dated 05.07.2019, R.C.No.S5/3194/15 dated 22.06.2019, R.C.No.S5/3146/15 dated 22.06.2019, R.C.No.S5/1471/15 dated 05.07.2019, R.C.No.S5/3454/15 dated 05.07.2019, R.C.No.S5/3165/15 dated 22.06.2019, R.C.No.S5/3151/15 dated 05.07.2019, R.C.No.S5/3157/15 dated 22.06.2019, R.C.No.S5/3155/15 dated 22.06.2019, R.C.No.S5/3153/15 dated 22.06.2019, R.C.No.S5/3244/15 dated 22.06.2019, R.C.No.S5/3249/15 dated 22.06.2019, R.C.No.S5/3245/15 dated 22.06.2019, R.C.No.S5/3196/15 dated 22.06.2019, R.C.No.S5/3246/15 dated 22.06.2019, R.C.No.S5/3247/15 dated 22.06.2019, R.C.No.S5/2218/15 dated 05.07.2019, R.C.No.S5/3248/15 dated 22.06.2019, R.C.No.S5/3350/15 dated 22.06.2019, R.C.No.S5/2219/15 dated 05.07.2019, R.C.No.S5/3943/15 dated 05.07.2019,



R.C.No.S5/3190/15 dated 05.07.2019, R.C.No.S5/3945/15 dated 05.07.2019, R.C.No.S5/3944/15 dated 05.07.2019, R.C.No.S5/3425/15 dated 05.07.2019, R.C.No.S5/4219/15 dated 05.07.2019, R.C.No.S5/4220/15 dated 05.07.2019, R.C.No.S5/3940/15 dated 05.07.2019, R.C.No.S5/3941/15 dated 05.07.2019, R.C.No.S5/2223/15 dated 05.07.2019, R.C.No.S5/4853/15 dated 05.07.2019, R.C.No.S5/4233/15 dated 05.07.2019, R.C.No.S5/4232/15 dated 05.07.2019, R.C.No.S5/4231/15 dated 05.07.2019, R.C.No.S5/3424/15 dated 05.07.2019, R.C.No.S5/4230/15 dated 05.07.2019, R.C.No.S5/2222/15 dated 05.07.2019, R.C.No.S5/2219/15 dated 05.07.2019, R.C.No.S5/2219/15 dated 05.07.2019, R.C.No.S5/2226/15 dated 05.07.2019, R.C.No.S5/4227/15 dated 05.07.2019, R.C.No.S5/4228/15 dated 05.07.2019, R.C.No.S5/4227/15 dated 05.07.2019, R.C.No.S5/4226/15 dated 05.07.2019, R.C.No.S5/2225/15 dated 05.07.2019, R.C.No.S5/4854/15 dated 05.07.2019, R.C.No.S5/4855/15 dated 05.07.2019, R.C.No.S5/4225/15 dated 05.07.2019, R.C.No.S5/4224/15 dated 05.07.2019, R.C.No.S5/2221/15 dated 05.07.2019, R.C.No.S5/4223/15 dated 05.07.2019, R.C.No.S5/3166/15 dated 05.07.2019, R.C.No.S5/3143/15 dated 05.07.2019, R.C.No.S5/4856/15 dated 05.07.2019, R.C.No.S5/4857/15 dated 05.07.2019, R.C.No.S5/3144/15 dated 01.07.2019, R.C.No.S5/4222/15 dated 05.07.2019, R.C.No.S5/5587/15 dated 05.07.2019, R.C.No.S5/5460/15 dated 05.07.2019, R.C.No.S5/3145/15 dated 01.07.2019, R.C.No.S5/3152/15 dated 01.07.2019, R.C.No.S5/5588/15 dated 05.07.2019, R.C.No.S5/5589/15 dated 05.07.2019, R.C.No.S5/3168/15 dated 05.07.2019, R.C.No.S5/5590/15 dated 05.07.2019, R.C.No.S5/5462/15 dated 05.07.2019, R.C.No.S5/5461/15 dated 05.07.2019, R.C.No.S5/5457/15 dated 05.07.2019, R.C.No.S5/3169/15 dated 05.07.2019, R.C.No.S5/3192/15 dated 05.07.2019, R.C.No.S5/3167/15 dated 05.07.2019, R.C.No.S5/5458/15 dated 05.07.2019, R.C.No.S5/3191/15 dated 05.07.2019, R.C.No.S5/5591/15 dated 05.07.2019, R.C.No.S5/5592/15 dated 05.07.2019, R.C.No.S5/5593/15 dated 22.06.2019, R.C.No.S5/6084/15 dated 22.06.2019, R.C.No.S5/6083/15 dated 01.07.2019, R.C.No.S5/6081/15 dated 05.07.2019, R.C.No.S5/6082/15 dated 01.07.2019, R.C.No.S5/6080/15 dated 05.07.2019, R.C.No.S5/4221/15 dated 05.07.2019, R.C.No.S5/6079/15 dated 05.07.2019, R.C.No.S5/3170/15 dated 05.07.2019, R.C.No.S5/3423/15 dated 22.06.2019, R.C.No.S5/5585/15 dated 05.07.2019, R.C.No.S5/6078/15 dated 05.07.2019, R.C.No.S5/5574/15 dated 05.07.2019, R.C.No.S5/6077/15 dated 05.07.2019, R.C.No.S5/6076/15 dated 05.07.2019, R.C.No.S5/7257/15 dated 05.07.2019, R.C.No.S5/3193/15 dated 05.07.2019, R.C.No.S5/3189/15 dated 05.07.2019, R.C.No.S5/6075/15 dated 05.07.2019, R.C.No.S5/3195/15 dated 05.07.2019, R.C.No.S5/3164/15 dated 22.06.2019, R.C.No.S5/6074/15 dated 05.07.2019, R.C.No.S5/3942/15 dated 05.07.2019, R.C.No.S5/3422/15 dated 05.07.2019, R.C.No.S5/6073/15 dated 05.07.2019, R.C.No.S5/6072/15 dated 05.07.2019, R.C.No.S5/6071/15 dated 05.07.2019, R.C.No.S5/7255/15 dated 01.07.2019, R.C.No.S5/6730/15 dated 05.07.2019, R.C.No.S5/6731/15 dated 01.07.2019, R.C.No.S5/6732/15 dated 05.07.2019, R.C.No.S5/7256/15 dated 01.07.2019, R.C.No.S5/6733/15 dated



05.07.2019, R.C.No.S5/7254/15 dated 01.07.2019, R.C.No.S5/6734/15 dated 05.07.2019, R.C.No.S5/6735/15 dated 05.07.2019, R.C.No.S5/3421/15 dated 05.07.2019, R.C.No.S5/6736/15 dated 05.07.2019, R.C.No.S5/7253/15 dated 05.07.2019, R.C.No.S5/5586/15 dated 05.07.2019, R.C.No.S5/5459/15 dated 05.07.2019, R.C.No.S5/7264/15 dated 05.07.2019, R.C.No.S5/7265/15 dated 05.07.2019, R.C.No.S5/7250/15 dated 05.07.2019, R.C.No.S5/7260/15 dated 05.07.2019, R.C.No.S5/7363/15 dated 05.07.2019, R.C.No.S5/7262/15 dated 05.07.2019, R.C.No.S5/7261/15 dated 05.07.2019, R.C.No.S5/7249/15 dated 05.07.2019, R.C.No.S5/7259/15 dated 05.07.2019, R.C.No.S5/7258/15 dated 05.07.2019, R.C.No.S5/7248/15 dated 05.07.2019, R.C.No.S5/7241/15 dated 05.07.2019, R.C.No.S5/7242/15 dated 05.07.2019, R.C.No.S5/7243/15 dated 05.07.2019, R.C.No.S5/7244/15 dated 05.07.2019, R.C.No.S5/7247/15 dated 05.07.2019, R.C.No.S5/7251/15 dated 05.07.2019, R.C.No.S5/7252/15 dated 05.07.2019, R.C.No.S5/7346/15 dated 05.07.2019, R.C.No.S5/7345/15 dated 22.06.2019, R.C.No.S5/7344/15 dated 05.07.2019, R.C.No.S5/7343/15 dated 05.07.2019, R.C.No.S5/7342/15 dated 05.07.2019, R.C.No.S5/7341/15 dated 05.07.2019, R.C.No.S5/7340/15 dated 05.07.2019, R.C.No.S5/7339/15 dated 05.07.2019, R.C.No.S5/7338/15 dated 05.07.2019, R.C.No.S5/7856/15 dated 22.06.2019, R.C.No.S5/7355/15 dated 22.06.2019, R.C.No.S5/7354/15 dated 22.06.2019, R.C.No.S5/7353/15 dated 22.06.2019, R.C.No.S5/7352/15 dated 22.06.2019, R.C.No.S5/7351/15 dated 05.07.2019, R.C.No.S5/7350/15 dated 05.07.2019, R.C.No.S5/7349/15 dated 05.07.2019, R.C.No.S5/7347/15 dated 05.07.2019, R.C.No.S5/7367/15 dated 05.07.2019, R.C.No.S5/7366/15 dated 05.07.2019, R.C.No.S5/7365/15 dated 05.07.2019, R.C.No.S5/7364/15 dated 05.07.2019, R.C.No.S5/7363/15 dated 22.06.2019, R.C.No.S5/7362/15 dated 22.06.2019, R.C.No.S5/7361/15 dated 22.06.2019, R.C.No.S5/7360/15 dated 05.07.2019 and quash the same and directing the respondents to return back the recovery already made from the salary.

For Petitioner : Mr.N.Tamilmani

For Respondents : Mr.R.Vijayakumar

ORDER

In connection with certain alleged storage loss, batch of recovery orders have been passed against the petitioner herein claiming the value of the excess shortage.

2.Thought the learned counsel appearing for the petitioner has raised several grounds challenging the recovery orders he had made a request that if the petitioner be given an opportunity to put-forth his objections to the show-cause notices issued prior to the recovery orders, he would be satisfied.

3.According to the learned counsel for the petitioner, though he has received the show-cause notices, there was a lapse on his

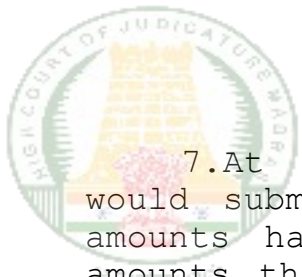


part in rendering his explanation within time. However, since he claims to have certain valid objections against the intended recovery of the value of excess shortage, he would make such a submission.

4. The learned Standing Counsel appearing for the respondent, on the other hand, would submit that there is no infirmity in the procedure adopted prior to issuance of the recovery orders. According to the learned counsel, the show-cause notices were served on the petitioner and though sufficient opportunity was extended to him to submit his objections, the petitioner has failed to do so and therefore, the impugned orders of recovery cannot be found fault with. The learned standing counsel also raised the issue with regard to the maintainability of the writ petition.

5. It is not in dispute that the petitioner was served with the show cause notices and the petitioner himself admits that he had not submitted his submissions within time. The petitioner has now been served with the impugned recovery orders and the consolidated amount, which is sought to be recovered from the petitioner, is around Rs.28 lakhs. The petitioner is serving as a Quality Inspector and he claims that he has just 5 more years of service. He would make a plea that he has certain valid defence and therefore, instead of availing the appeal remedy, he has invoked the jurisdiction of this Court only for the limited purpose for giving him an opportunity to put-forth his objections, if the matter is remitted back. Though the respondents have filed their counter and have also raised a ground questioning the maintainability of the petition itself, this Court is of the view that the petitioner can be extended with the leniency and thereby given an opportunity to put-forth his objections. Such leniency however, should not prejudice the respondents, if the petitioner is permitted to protract the proceedings and hence, by stipulating the time limit for the petitioner to submit his objections, the ends of justice could be secured. Since the Court intends to remand back the matter to the respondents for a fresh consideration of the petitioner's objections, the grounds raised by the petitioner, as well as the respondents herein, are not dealt with, since they may have a bearing on the out come of the further proceedings.

6. In the light of the above observations, the impugned orders dated 05.07.2019 and 22.06.2019 passed by the second respondent are set aside and the petitioner is directed to submit his explanation to the show cause notices issued on various dates prior to the impugned recovery orders in the present writ petition, at least, within a period of thirty (30) days from the date of receipt of a copy of this order. It is made clear that no further extension of time will be granted to the petitioner and that the petitioner shall endeavour to submit his objections within such period. On receipt of such objections, the respondents herein shall take further course of action by considering the petitioner's objections, after giving him a due opportunity before passing any final orders.



7. At this juncture, the learned counsel for the petitioner would submit that pursuant to the recovery orders, part of the amounts have already been recovered. It is made clear that the amounts that have already been recovered shall be retained by the respondents and such part recovery already made shall be subject to the outcome of the further proceedings to be initiated by the respondents pursuant to the present remand.

8. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

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Sub Assistant Registrar(CS)

To

1. The Managing Director,
Head Office, Tamilnadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

2. The Senior Regional Manager,
Nagapattinam Region,
Tamilnadu Civil Supplies Corporation,
Nagapattinam.

3. The Regional Manager,
Dindigul Region,
Tamilnadu Civil Supplies Corporation,
District Collector Office Campus, Dindigul,
Dindigul District.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-7437[F] dated 20/02/2020)

+1 CC to M/s.R.VIJAYAKUMAR, Advocate (SR-7634[F] dated 21/02/2020)

W.P. (MD) .No.611 of 2020

and

W.M.P. (MD) .No.446 of 2020

20.02.2020

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SDS (19.03.2020) 5P-6C