



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

WP(MD).Nos.8965 and 8966 of 2011

T.S. Jawahar Lal

: Petitioner in W.P(MD).No.8965/11

K. Veluchamy

: Petitioner in W.P(MD).No.8966/11

Vs.

1. The Chairman and Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusami Road,
Kilpauk, Chennai.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Madurai Region,
Madurai.

: Respondents

Prayer in both W.Ps: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 2nd respondent in his proceedings Roc.L1/15289/07, dated 19.11.2010 and quash the same in so far as recovery of Rs.19,789/- being the alleged short out turn and audit recovery and consequently to direct the respondents to refund the said amount with 18% of interest per annum within the period that may be stipulated by this Court.

For petitioner

: Mr. Venkateshkumar

for M/s.Ajmal Associates in both W.Ps.

For Respondents

: Mr. R. Vijaykumar in both W.Ps.

ORDER

These Writ Petitions have been filed to quash the impugned order passed by the 2nd respondent in his proceedings in Roc.L1/15289/07, dated 19.11.2010 insofar as the recovery of Rs.19,789/- and consequently, direct the respondents to refund the recovered amount with 18% of interest per annum within the time limit to be fixed by this Court.

2. The learned Standing counsel appearing for the respondent / Civil Supplies Corporation has produced a letter given by the first respondent / Corporation, dated 21.02.2020, wherein it has been stated as follows:



"In this regard certain clarifications have been sought for by various Regional Heads:

Therefore, following clarifications are issued for strict adherence.

1. The period to be considered is from April 1985 to March 1998

2. If any recoveries have been made towards short out turn during the above period based on the earlier circulars, the amount so recovered may be refunded.

3. If any recovery action during the above period is under consideration that may be dropped."

3. In view of the clarifications, the prayer in the Writ Petitions have to be allowed and the respondent / Corporation has to return the amount after passing necessary consequential order. The letter dated 21.02.2020 produced on the file of the respondent is hereby recorded.

4. In view of the above, the impugned order is set aside and the respondents are directed to pass consequential order of refund of amount within a period of 12 weeks from the date of receipt of a copy of this order. So far as the relief of interest is concerned, taking into consideration of the the entirety and the circumstances of the case, this Court is of the view that the same need not be given.

5. Accordingly, these Writ Petitions are allowed in part. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The Chairman and Managing Director,
Tamil Nadau Civil Supplies Corporation Ltd.,
No.12, Thambusami Road,
Kilpauk, Chennai.

2. The Regional Manager,
Tamil Nadau Civil Supplies Corporation Ltd.,
Madurai Region,
Madurai.

+2 CC to M/s.R. VIJAYAKUMAR, Advocate (SR-13702[F]& 13703 dated
06/08/2020)

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