



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD) No. 485 of 2014

and

M.P (MD) No. 2 of 2014

1.K.Kumari Selvan

2.J.Jayson Mahesh

... Petitioners

vs.

1.The Commissioner,
Civil Supplies and Consumer Protection,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The Joint Registrar of Co-operative Societies,
Vedantha Street,
Water Tank Road,
Nagercoil.

3.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kanyakumari Region,
Konam,
Nagercoil-4.

4.The District Supply Officer,
Collectorate,
Nagercoil.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third and fourth respondents to implement the circular issued by the first respondent vide No.ந.க.எண்.ஏபி1/852/2012, dated 06.09.2013 by weighing, numbering, affixing the net weight tag and stitching the same with the colour thread of the particular month before transporting the rice bags to PDS outlets.



For Petitioner : Mr.C.T.Perumal
For R1,R2 & R4 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For R3 : Mr.D.Mayarajan

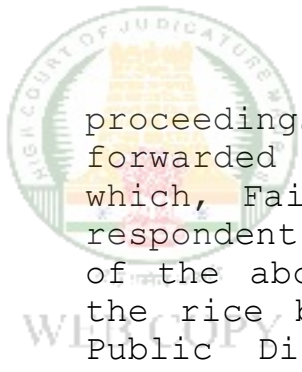
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ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third and fourth respondents to implement the circular issued by the first respondent vide No.ந.க.எண்.ஏபி1/852/2012, dated 06.09.2013 by weighing, numbering, affixing the net weight tag and stitching the same with the colour thread of the particular month before transporting the rice bags to PDS outlets.

2. The case of the petitioner is that he working as a Salesman in Y-183, Primary Agricultural Co-operative Credit Society at Sarakkalvilai, Nagercoil and the second petitioner is working as salesman in Y 296, Primary Agricultural Co-operative Credit Society at Oottuvalmadam, Nagercoil. The fair price shops are functioning under Primary Agricultural Co-operative Credit Societies as well as under the Tamil Nadu Civil Supplies Corporation regarding the Fair Price shops functioning under the Primary Agricultural Co-operative Credit Societies. The staff members of the Primary Agricultural Co-operative Credit Society and the fair price shops are one and the same. Under the Primary Agricultural Co-operative Credit Society of the second petitioner Fair Price shops are functioning for the area. Since the petitioners are Salesmen, they are incharge of the fair price shops for distributing the food materials to the beneficiaries. The food materials are supplied to the fair price shops in the District from the godowns located at Nagercoil, Kappukadu, Udayarvilai and Aralvoimozhi under the control of the third respondent. The fair price shops functioning for distributing the food, which is essential for life and maintain the quality and quantity of the food materials, supplied through the system. As per the circular in No.Vgp 1/852/12, dated 05.09.2013 issued by the first respondent directing the third respondent to weigh and number with net weight tag in each and every bag containing PDS rice and stitch the same with thread of the colour of the particular month and thereafter only it has to be distributed to the Fair Price shops.

3. The said circular was forwarded to the second respondent by proceedings dated 06.09.2013 in Na.Ka.No.AP.1/852/2012 by the third respondent to enable the staff members of the Fair Price shops functioning under the control of the second respondent to receive the PDS rice. The second respondent in turn by his



proceedings vide Nk.v.e.f.752/2013/nghtpjp-1 dated 25.09.2013 forwarded the same to all the co-operative Institutions under which, Fair Price shops are functioning under them. The fourth respondent is the authority to check and verify the implementation of the above said circular in the district. While transporting the rice bags under the control of the third respondent to the Public Distribution System outlets, it is the duty of the respondents that each and every bags containing rice should be weighed, numbered and net weight tag affixed with the bag. Thereafter, the rice bags have to be stitched with threads of the colour allotted for a particular month. But the workers under the third respondent is not following the above said circular issued by the first respondent. They are simply loading the rice bags without weighing and numbering the rice bags with weight tag and stitching the same as per the instructions. They are simply loading the rice bags as it is received from the public ware houses. They are also mixing rotten rice with the rice being transported to the PDS outlets.

4. The fourth respondent, who is the authority to check and implement the Circular issued by the first respondent is maintaining silence and not following his own circular and the poor public are put into hardship. When the petitioner had gone to the godown at Nagercoil on 20.08.2013 at 10.00 a.m., the loadmen loaded the rice bags, as it is, transported from the public warehouses without weighing, numbering the rice bags and also without weight tag in the bag. Likewise no stitching was also made as stated above. They also loaded rotten rice bags with other rice bags meant for the petitioner's PDS outlets. All the petitioner's pleads with them to weigh, number and stitch the same with the thread of the colour for the month, with net weight tag fell into deaf ears. The petitioner has informed the same to the third respondent, but he kept quite. Therefore, without any option, the petitioner took away the rice bags. When he weighed the rice outside, there was a deficit of 175 Kilograms. Due to the deficit quantity being supplied from the godowns under the control of the third respondent, the staff of the PDS outlets are facing public wrath. The District Collector intervened into the matter and on his oral direction, the third respondent engaged outside workers for loading rice bags with the help of police, from 26.09.2013. The Co-operative Sub-Registrar, Mr. Joseph Gladson, who supervised the loading of rice bags in Kappukadu godown by the outside workers, was brutally attacked by the permanent loadmen and other office staffs on 29.09.2013. He was admitted in Government Hospital at Kuzhithurai and a case was registered in this regard in Pudukadai Police Station in Crime No.335 of 2013 for the offences under Sections 147, 294(b), 332, 506(ii) of IPC.



5. Thereafter, the permanent loadmen assumed the work and they are transporting the rice bag as previously without weighing, numbering, affixing net weight tag and stitching with threads of the colour allotted for the particular months. Normally, sixty percent of the rice allotted to a particular Fair Price shop is being transported in between the 25th of the previous month and the 5th day of the current month. The remaining forty percent of the consignment is transported between 13th and 18th of the particular month. This is the procedure followed so far in transporting rice to PDS outlets. If so only the rice can be distributed to the beneficiaries in right time. Even prior to the said occurrence on 29.09.2013, the petitioner and others sent a representation dated 22.08.2013 to the second respondent along with other authorities to implement the above said circular of the first respondent. In pursuant to that the Head Quarters Vigilance Committee made an enquiry in the matter with T.A.T.A.P.C.M.S.Limited No.3547 branch, Ramanputhoo and Santhapuram PDS outlet (A.A.O.38). The staffs therein admitted that rice bags are always transported to the PDS outlets without any weighing process. Subsequently, the said Committee also got a statement from the petitioner on 11.09.2013. Nothing had happened even after the statement given and till date they are not following the method as per the circular issued by the first respondent. Hence, he prayed for issuance writ of mandamus directing the respondents 3 & 4 to implement the circular issued by the first respondent vide No.ந.க.எண்.ஏபி/852/2012, dated 06.09.2013 by weighing, numbering, affixing the net weight tag and stitching the same with the colour thread of the particular month before transporting the rice bags to PDS outlets.

6. The learned counsel appearing for the third respondent would submit that the first respondent's circular has been implemented already and it's in process and inspection authorities are inspecting all the aspects of Public Distribution and they are submitting the reports regularly through periodical reports to District authorities and Tamil Nadu Civil Supplies Corporation, Head Office regularly.

7. The petitioners, who are the victim stated that before transporting the rice bags under the control of the third respondent to the Public Distribution system outlets, each and every bags containing rice should be weighed, numbered and net weight tag affixed with the bag. But the third respondent is not following the above said circular issued by the first respondent.

8. Considering the submission of the learned counsel for the petitioner, this Court directs the respondent to follow the circular issued by the first respondent dated 05.09.2013 from April 2020 onwards. If any infirmity or if nobody follows the said



circular, the third respondent is liable for the short fall and to avoid the same, the third respondent is directed to have a surprise check every month in the centre and to file a report to the first respondent, without fail.

9. In view of the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Civil Supplies and Consumer Protection,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The Joint Registrar of Co-operative Societies,
Vedantha Street,
Water Tank Road,
Nagercoil.

3.The District Supply Officer,
Collectorate,
Nagercoil.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-10478[F] dated
06/03/2020)

+1 CC to M/s.SPL.GP (SR-10542[F] dated 09/03/2020)

W.P(MD)No.485 of 2014
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