



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.9515 of 2014
and
M.P(MD)Nos.1 & 2 of 2014

K.Kumari Selvan

... Petitioner

vs.

- 1.The Commissioner,
Civil Supplies and Consumer Protection,
Ezhilagam, Chepauk,
Chennai-600 005.
- 2.The Joint Commissioner,
Civil Supplies and Consumer Protection,
Ezhilagam,
Chepauk,
Chennai-600 005.
- 3.The Joint Registrar of Co-operative Societies,
Vedantha Street,
Water Tank Road,
Nagercoil.
- 4.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kanyakumari Region,
Konam,
Nagercoil-4.
- 5.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 Certiorari, calling for the records of the order of the first respondent vide ந.க.எண்.இ1/8189/11 dated 08.04.2014 and the subsequent order vide ந.க.எண்.இ1/8189/11 dated 06.05.2014, quash the same.



For Petitioner : Mr.C.T.Perumal
For R1 to R3 & R5 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For R4 : 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 Certiorari, to call for the records of the order of the first respondent vide ந.க.எண்.இ1/8189/11 dated 08.04.2014 and the subsequent order vide ந.க.எண்.இ1/8189/11 dated 06.05.2014.

2. The case of the petitioner is that he worked as a Salesman in Y-183, Primary Agricultural Co-operative Credit Society at Sarakkalvilai, 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. Food materials are supplied to the fair price shops in the District from the godowns located at Nagercoil, Kappukadu, Udayarvilai and Aralvoimozhi, which is 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 the second respondent had directed the fourth 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 third respondent by proceedings dated 06.09.2013 in Na.Ka.No.AP.1/852/2012 by the fourth respondent to enable the staff members of the Fair Price shops functioning under the control of the third respondent to receive the PDS rice. The third respondent in turn by his proceedings vide nk.v.e.f.752/2013/oghtpjpp-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. The fourth respondent is not following the above said circular issued by the second 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 fifth respondent, who is the authority to check and implement the Circular issued by the second 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. The petitioner has informed the same to the fourth respondent, but he kept quiet. 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 as well as official action. 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. 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, Ramanputhoor 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.

5. It is seen from the records that there is no proper weighing, numbering the rice bags and also without weight tag in the bag, the petitioner herein was put into hardship as he was weighed the rice outside, there was a deficit of 175 kilo grams. 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 as well as official action. In these circumstances, the first respondent by his proceedings vide ந.க.எண்.இ1/8189/11 dated 08.04.2014 passed an order fixing the penalty for shortage of food grains as hereunder:-

S.No.	Name of the articles	Quantity	Amount of Penalty (Rs.)
1.	Rice	1 Kg	25
2.	Sugar	1 Kg	50
3.	Wheat	1 Kg	25
4.	Dhal	1 Kg	75
5.	Black gram	1 Kg	75
6.	Palm Oil	1 Ltr	75
7.	Kerosene	1 Ltr	50

6. The petitioner has challenged the said order stating that 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. The first respondent, while passing the impugned orders, failed to consider the fact that if the circular issued by the second respondent vide ந.க.எண்.பி.1/852/2012 dated 06.09.2013 is implemented in letter and spirit, the problem of shortage of materials in PDS outlets does not arise. It is made clear that the third respondent has to implement the circular issued on 06.09.2013 without fail to avoid such incidents. Hence, in view of the direction given in the other writ petition in W.P.(MD)No.485 of 2014, this writ petition is disposed of. This Court is of the view that the amount is already deposited by the petitioner is a meagre amount and can be



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returned to the petitioner without any interest. 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 Commissioner,
Civil Supplies and Consumer Protection,
Ezhilagam,
Chepauk,
Chennai-600 005.

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

4.The District Supply Officer,
Collectorate,
Nagercoil.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-10477[F] dated
06/03/2020)

+1 CC to M/s.SPL.GP (SR-10543[F] dated 09/03/2020)

W.P(MD)No.9515 of 2014
06.03.2020

DB(CO)
TR(20.03.2020)5P 7C