



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 9.12.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26309 of 2009

and

M.P.No.1 of 2009

R.KANNAN

9, SATHIYAM VIGNESH FLATS,
198/81 AMMA MANDAPAM ROAD,
SRIRANGAM, TRICHY-6.

...PETITIONER

Vs.

1. THE CHAIRMAN

TRANSPORT CORPORATION BOARD,
SECRETARIAT, CHENNAI-9.

2. THE MANAGEMENT OF METROPOLITAN

TRANSPORT CORPORATION LTD.,
PALLAVAN ILLAM, ANNA SALAI, CHENNAI-2.

...RESPONDENTS

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, Calling for the entire records connected with the proceedings No.22787/DP(5)HQ/MTC/2003 dt.21.7.04 of the 2nd respondent and quash the same consequently direct the respondent to return the recovered amount of Rs.48 600/- with interest.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.K.Moorthy

O R D E R

According to the petitioner, petitioner while working as Deputy Manager (Works) in the respondent Corporation, the petitioner was served with charge memo for the allegation that during internal audit on 15.11.2003, it was detected that old condemned spring leaves which comes to 21,515 Kg. and its value worked out to Rs.2,15,150/-, apart from this, 765 Kg. of condemned copper wire and its value worked out to Rs.76,500/- were not properly accounted and due to the aforesaid lapse on the part of the petitioner, the transport Corporation sustained



loss of Rs.2,91,650/-. Further, the petitioner has submitted an explanation to the enquiry officer who was appointed to conduct enquiry into the charges levelled against the petitioner. But his explanation was not considered by the second respondent and passed order of recovery for Rs.48,600/- being the 50% of the recovery proposed in the memo, dated 13.5.2004. Challenging the said order, the petitioner has preferred the present writ petition before this Court.

2. The learned counsel appearing for the petitioner would submit that since the said amount was already recovered from the terminal benefits of the petitioner, the petitioner is not insisting upon the prayer in the writ petition without prejudice to his rights in the another writ petition challenging the order of punishment inflicted on the petitioner.

3. Recording the submission made by the counsel appearing for the petitioner, the writ petition stands dismissed with liberty to the petitioner to challenge the punishment order passed by the respondent in another writ petition filed by the petitioner in W.P.No.26310 of 2009. No Costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

vaan

To

1. THE CHAIRMAN
TRANSPORT CORPORATION BOARD,
SECRETARIAT, CHENNAI-9.
2. THE MANAGEMENT OF METROPOLITAN
TRANSPORT CORPORATION LTD.,
PALLAVAN ILLAM, ANNA SALAI,
CHENNAI-2.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.65529

+1cc to Mr.K.Moorthy, Advocate, S.R.No.65776

W.P.No.26309 of 2009

NRL(CO)
RGA(22/12/2021)