



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. No.10289 of 2021

P.Ramakrishnan

...Petitioner

Vs

Tamil Nadu Civil Supplies Corporation,
rep. By its Senior Regional Manager,
Tiruvarur Region, Vilamal Post,
Tiruvarur - 613 701.

...Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondent to comply with the undertaking given by the respondent in his letter No.Na.Ka.E11/17820/2012 dated 12.6.2019 without further delay and release the amount of Rs.96,108/- withheld from the petitioner's retirement benefits with penal interest in view of inordinate and unexplained delay in releasing the amount after the orders of this court dated 12.4.2017 made in W.P.No.26983 of 2012.

For Petitioner : Mr.S.Venkataraman

For Respondent : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The petitioner was working as a Junior Assistant in Pamini Godown of the Tamil Nadu Civil Supplies Corporation at Tiruvarur between the period 1997-1999. On 22.05.2007, the petitioner was issued with a show cause notice alleging that he was responsible for the shortage of paddy between 1997-1999, resulting in a loss of Rs.96,108/-. According to the petitioner, there was no reason for the inordinate delay of issuing a show cause notice after a period of eight years.

2. The petitioner had given his explanation stating that he was only working as a clerk attending to clerical work and he was at no point of time had an occasion to handle paddy stock. The petitioner was thereafter allowed to retire from service



with effect from 31.05.2007 without prejudice to the pending recovery proceedings.

3. In the meanwhile, his explanation dated 22.05.2007 to the show cause notice was also rejected and recovery of Rs.96,108/- was confirmed by order dated 23.12.2009.

4. Aggrieved against the same, the petitioner preferred an appeal on 24.02.2010, which came to be rejected vide proceedings of the appellate authority dated 30.07.2012. Challenging the said recovery proceedings the petitioner has preferred W.P.No.26983 of 2012.

5. A learned single Judge of this Court allowed the said Writ Petition on 12.04.2017 setting aside the order of recovery. Thereafter, the petitioner is stated to be making repeated representations for refund of the amount withheld. However, he was informed that as against the order of the learned single Judge, an appeal has been preferred. Ultimately, on 04.03.2019, Writ Appeal S.R.No.42891 of 2018 was rejected as the same was filed with an unreasonable delay of 365 days. A copy of the order passed in unnumbered Writ Appeal was received on 03.06.2019.

6. Thereafter, the petitioner has been approaching the authority concerned for the refund of the amount, as the order of learned single Judge was confirmed in the unnumbered Writ Appeal by the Division Bench of this Court. But unfortunately, as on date, the amount has not been refunded to the petitioner and therefore the petitioner is before this Court with a prayer for issuance of Writ of Mandamus.

7. Mr. Venkataraman, learned counsel for the petitioner referred to communication dated 12.06.2019 issued by the authority concerned drawing reference to the dismissal of the Writ Appeal and advised to take further action for complying with the order passed by this Court, namely, refund of the amount that is due and payable to the petitioner.

8. This Court finds that despite the order of the learned single Judge in W.P.No.26983 of 2012 directing refund of the amount recovered, affirmed in W.A.SR.No.42891 of 2018, it is unfortunate that even after lapse of 2 years, the amount that is due and payable to the petitioner still not been refunded. In fact, the letter which was relied on by the learned counsel was dated 12.06.2019 and even on that date, the authority was requested to take further action in the matter, but still no action has been forthcoming even as on date when the present order is being passed.



9. In the above such circumstances, this Court directs the respondent to refund the amount of Rs.96,108/- to the petitioner along with 6% interest from the date when the amount was illegally recovered from the petitioner and till the date of payment, within a period of two weeks from the date of receipt of a copy of this order.

10. The Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Tiruvarur Region, Vilamal Post,
Tiruvarur - 613 701.

+1cc to Mr.S.Venkataraman, Advocate, S.R.No.60784

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PVS (CO)
RGA(09/12/2021)