

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9452 of 2014

E.Dhinakaran

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.
2. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.
3. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Chennai (North) Region, Chennai - 600 086. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to pay the arrears of salary of Rs.25,000/- for the period from 1988 to 1994 to the petitioner within the stipulated period.

For Petitioner : Mr.C.Samivel

For Respondents : Mr.L.P.Shanmugasundaram

ORDER

This writ petition has been filed seeking a direction to the third respondent to pay arrears of salary to the tune of Rs.25,000/- for the period from 1988 to 1994 to the petitioner within a stipulated period to be fixed by this Court.

2.According to the petitioner, he was appointed as a Bill Clerk in the third respondent office on 03.01.1976. While he was working as such, he was suspended from service and was issued with a charge memo dated 06.12.1983 alleging that he was

illicitly disposed 200 liters of kerosene for his personal benefit on 12.07.1983. After enquiry, he was inflicted with the punishment of stoppage of increment for two years with cumulative effect. Following the same, an order of recovery was passed by the third respondent. On appeal by the petitioner before the second respondent, the orders of punishment as well as the recovery passed by the third respondent was set aside. Thereafter, he was promoted as Junior Assistant on 01.04.1985 and he retired from service on 31.12.2007 on reaching the age of superannuation. It is the grievance of the petitioner that while he was working as Junior Assistant, his increment was wrongly stopped and recovery proceedings was also initiated by the third respondent; and in view of the setting aside the orders of suspension and recovery by the respondents 1 and 2, he is entitled to all consequential benefits and arrears of salary. In this regard, the petitioner sent several representations to the respondents, none of which yielded any response. Hence, the present writ petition.

3. Upon notice, the third respondent filed a detailed counter affidavit, wherein, it is specifically averred as follows:

"9.....the petitioner had not passed the test of District Office Manual conducted by the Tamil Nadu Public Service Commission for declaration of probation within the prescribed period of two years. Hence, the third respondent had not declared the probation of the petitioner.

10. I submit that the petitioner had passed District Office Manual only on 26.11.1994 and the probation was declared by the third respondent on 24.12.1997 by the proceedings No.A4/10613/97, as per rules followed by the respondent corporation. Consequently, the pay of the petitioner was given by sanctioning increments for the period from 1987 to 1994 with monetary benefit from 26.11.1994 by its proceedings No.A4/12693/1997, dated 30.06.1998. The 8 years of the above procedure of the Corporation was misconstrued by the petitioner that increment was wrongly stopped and recovery proceeding was also initiated by the respondent, which is not so.

The 2nd respondent had set aside the Recovery proceedings and the increment dues were paid to him after passing of DOM test and he had already availed and enjoyed all the monetary benefits."

4.In view of the aforesaid averments made in the counter affidavit filed by the third respondent, this Court is of the opinion that no further order needs to be passed in this writ petition and hence, the same is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Chairman,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.
2. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.
3. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Chennai (North) Region, Chennai - 600 086.

+1cc to Mr.C.Samivel, Advocate, S.R.No.28581

सत्यमेव जयते

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KM(29/04/2021)

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