



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P. No.23172 of 2021
and
W.M.P.Nos.24471 & 24472 of 2021

(Through Video Conferencing)

M.Anbarasan

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.21, Thambusamy Road,
Kilpauk, Chennai - 600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Villupuram Region,
Hospital Road, Villupuram - 605 602.
3. The Tahsildar,
Office of the Tahsildar,
Panrutti Taluk,
Cuddalore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 2nd respondent dated 08.03.2019 in Na.Ka.No.E1/5168/2018 (3) and the proceedings of the 2nd respondent dated 07.11.2019 in Na.Ka.No.E1/5168/2018 and quash the same and consequently, direct the respondents to release the balance gratuity amount to the petitioner along with interest at the rate of 12% per annum from the date of due till the disbursal of the same.



WEB COPY

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

This writ petition has been filed for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 2nd respondent dated 08.03.2019 in Na.Ka.No.E1/5168/2018 (3) and the proceedings of the 2nd respondent dated 07.11.2019 in Na.Ka.No.E1/5168/2018 and quash the same and consequently, direct the respondents to release the balance gratuity amount to the petitioner along with interest at the rate of 12% per annum from the date of due till the disbursal of the same.

2.It is noticed that the impugned order has been passed without following the principles of natural justice after the petitioner has retired from service on 30.04.2015 as Superintendent.

3.Considering the fact that the impugned order has been passed after deducting the amount from the terminal benefits payable to the petitioner seeking to recover a sum of Rs.2,72,262/- without following the principle of natural justice, the impugned order is quashed with liberty to the respondents to issue appropriate show cause notice to the petitioner to show cause as to why the aforesaid amount shall not be recovered from the petitioner and therefore pass appropriate order on merits. This exercise shall be carried out by the respondents by issuing a proper show cause notice to the petitioner within a period of three months from the date of receipt of a copy of this order.

4. This writ petition is disposed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

jas



To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.21, Thambusamy Road,
Kilpauk, Chennai - 600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Villupuram Region,
Hospital Road, Villupuram - 605 602.
3. The Tahsildar,
Office of the Tahsildar,
Panrutti Taluk,
Cuddalore District.

+lcc to M/s.C.S.Associates, Advocate, S.R.No.55707
+lcc to the Government Pleader, S.R.No.56614

W.P. No.23172 of 2021
and
W.M.P.Nos.24471 & 24472 of 2021

PCH[co]
NSK 06/12/2021