



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P.(MD)No. 3250 of 2018

and

W.M.P.(MD) Nos. 3410 and 3411 of 2018

A.Jeyakumar

...Petitioner

Vs.

1. The Director of Handloom and Textiles,
Handloom and Textiles Department,
Kuralagam II Floor,
Chennai.
 2. The Assistant Director/Surcharge Proceedings Officer,
Handloom and Textiles Department,
Madurai.
 3. The Enquiry Officer,
Deputy Director (Enforcement),
Handlooms (Production & Control) Act, 1985.
Kuralagam, II Floor, Chennai.
 4. The Accountant General (A&E)
Office of the Accountant General, Tamilnadu,
361, Anna Salai,
Teynampet,
Chennai
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus, calling for the records relating to the impugned order passed by the first respondent relating to the impugned order passed by the first respondent in his proceedings of the 2nd Respondent for initiation of surcharge proceedings in Na.Ka.No.40660/2016/E3 dated 31.01.2017 and consequential proceedings by way of issuing impugned show cause notice in Na.Ka.No.2136/2016/G(1) dated 07.06.2017 and enquiry notice in Tha.Na.2/2017/G dated 29.08.2017 and quash the same insofar as the petitioner is concerned and consequently direct the respondents to disburse the terminal benefits of the petitioner namely pension, gratuity, commuted value of pension, General provident fund and encashment of leave salaries.



For Petitioner
For Respondents

: Mr. B. Prahalad Ravi
: Mr. A.K. Manikkam,
Special Government Pleader,
for R1 to R3
Mr. P. Gunasekaran,
for R4

WEB COPY

ORDER

The petitioner challenges an enquiry report of the Director of Handloom and Textiles dated 31.01.2017 and consequential notice issued by the Assistant Director/Surcharge Proceedings Officer/R2 dated 07.06.2017 and 29.08.2017.

2. Pending this writ petition, surcharge proceedings have come to be concluded by order dated 06.06.2018 that has come to be challenged in W.P.No. 13774 of 2018. In that writ petition, the petitioner has obtained order of interim protection to the effect that recovery will be subject to the result of the present writ petition, that is, W.P.No (MD). 3250 of 2018.

3. Insofar as the enquiry report impugned in this matter has been telescoped into the final surcharge proceedings that are also challenged in W.P.No. 13774 of 2018, I am of the view that nothing survives as far as the present challenge is concerned. Needless to say the grounds of challenge in regard to the enquiry report will still be available to be agitated in the second writ petition. The Interim protection granted qua recovery will continue and will not cease with the disposal of this writ petition today.

4. This writ petition is closed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mnr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

1. The Director of Handloom and Textiles,
Handloom and Textiles Department,
Kuralagam II Floor, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Assistant Director/Surcharge Proceedings Officer,
Handloom and Textiles Department, Madurai.

3. The Enquiry Officer,
Deputy Director (Enforcement),
Handlooms (Production & Control) Act, 1985,
Kuralagam, II Floor, Chennai.

4. The Accountant General (A&E)
Office of the Accountant General, Tamilnadu,
361, Anna Salai,
Teynampet, Chennai.

+1 CC to M/s.SPL GP (SR-37223[F] dated 03/12/2021)

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-37349[F] dated
03/12/2021)

**W.P. (MD)No. 3250 of 2018 and
W.M.P. (MD) Nos. 3410 and 3411 of 2018
02.12.2021**

RD(02.02.2022) 3P 7C