



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

WEB COPY

W.A(MD)No.1429 of 2017

and

C.M.P(MD)No.10909 of 2017

1.The Chairman and Managing Director,
Tamil Nadu Civil Supplies Corporation,
12,Thambusamy Road,
Kilpauk,
Chennai - 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thoothukudi Region,
SIPCOT Area,
Thoothukudi.

... Appellants/Petitioners

Vs.

V.Murugan

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 30.11.2016 made in W.P(MD)No.10587 of 2012 on the file of this Court.

Prayer in WP(MD). 10587 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records relating to the impugned orders passed by the 1st Respondent dated 01-02-2012 in Aa.De.2/38625/2011 confirming the order passed by the 2nd Respondent dated 25-02-2011 in Na.Ka.No.E6/2097/2010(1) and quash the same and consequently direct the Respondents to promote the Petitioner to the post of Assistant on the date in which his immediate junior was promoted with all the increments, promotional and attendant benefits within the time frame fixed by this Honourable Court.

For Appellants : Mr.P.Seetharaman

For Respondent : No appearance



JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

The Writ Appeal is directed against the order passed by the learned Single Judge in W.P(MD)No.10587 of 2012, dated 30.11.2016.

2.It is also stated that Mr.S.Muthalraj, learned counsel for the respondent is no more having passed away a week ago, with regret, we record the same.

3.Originally, the respondent/writ petitioner had filed the said Writ Petition to issue a Writ of Certiorarified Mandamus, to quash the order passed by the second appellant, dated 25.02.2011, who found the writ petitioner to be guilty of all the charges and imposed with a punishment of cut in increment for a period of six months with cumulative effect.

4.The learned Single found that the very charges framed were not proper and the enquiry conducted was also not in accordance with law and found that the entire proceedings are smacked with malafides and set aside the order of the first and second appellants. It was further directed to settle all the pensionary benefits to the writ petitioner, as he attained the age of superannuation on 30.12.2015. Aggrieved by the said order of the learned Single Judge, the appeal has been preferred by the Tamil Nadu Civil Supplies Corporation.

5.The learned counsel appearing for the appellants would submit that the entire pensionary benefits and other service benefits due to the writ petitioner were already disbursed, excepting what was indicated in the punishment passed by the second appellant. Now, it is represented that it is only a sum of Rs.3,366/- and that they would also agree to pay the said amount to the writ petitioner. The said statement is recorded.

6.Accordingly, the second appellant is directed to disburse the said amount to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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 Chairman and Managing Director,
Tamil Nadu Civil Supplies Corporation,
12,Thambusamy Road,
Kilpauk,
Chennai - 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thoothukudi Region,
SIPCOT Area,
Thoothukudi.

Copy to

V.Murugan,
S/o. Velchettiar,
82A, T.B.Road
Tiruchendur, Thoothukudi.

+1 CC to Mr.P.SEETHARAMAN, Advocate (SR-8577[F] dated 03/03/2021)

+1 CC to Mr.S.MUTHALRAJ, Advocate (SR-8912[F] dated 04/03/2021)

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VB (15.03.2021) 3P 6C