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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.14486 of 2010

1.B. Manoharan(died)

2.Thilagavathy

3.Prabharan

3.Premath

... Petitioners

(P2 to P4 substituted as legal heirs of deceased sole petitioner vide order dated 28.03.2022 made in W.M.P.No.19370 of 2017 in W.P.No.14486 of 2010)

Vs.

1.Tamilnadu Civil Supplies Corporation,
Represented by its Managing Director,
12, Thambusamy Road, Kilpauk
Chennai 600 010.

2.The Senior Regional Manager,
Tamilnadu Civil Supplies Corporation,
Tiruvarur

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent relating to the impugned order bearing Rc.No.Ae14/5761/2008 dated 18.11.2009 and quash the same in as much as it orders recovery of a sum of Rs.2,28,860/- from the petitioner and consequently direct the respondents to disburse the amount of Rs.2,35,840/- withheld by the respondents together with interest at 24% per annum and along with interest amount on the belated payment of all the retrial benefits.

For Petitioners : Mr.L. Povendra Perumal for
M/s Sai Bharath And Ilan

For Respondent-1: Mr. C. Selvaraj
For Respondent-2: Mrs. R.L. Karthika



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ORDER

This writ petition is filed challenging recovery of a sum of Rs.2,28,860/- from the retirement benefits/leave encashment salary which is lying with the respondent.

2. The petitioner was originally appointed as Quality Inspector in the year 1982 and has put in 26 years of service and has retired from services on superannuation with effect from 30.06.2008. The petitioner at the time of retirement was working as Quality Inspector at the Modern Rice Mills Sundarakottai. Notice was issued on 12.06.2008 with regard to recovery of a sum of Rs.84,221/- representing the loss caused by way of storage loss, transit loss and audit recoveries. In response to the above notice, the petitioner vide his letter dated 24.06.2008 had consented for recovery of the said sum from his retirement benefits. Pursuant thereto an order was passed permitting the petitioner to retire on 30.06.2008 on attaining the age of superannuation. Subsequently, a notice came to be issued after retirement on i.e., 01.08.2009 seeking recovery of a sum of Rs.2,28,860/-. Reply was submitted in response thereto by the petitioner vide his letter dated 11.08.2009 wherein it was submitted that the loss was primarily in view of the procurement policy implemented by the Government which lead to procurement of inferior quality of grains.

3. The order dated 18.11.2009 which is challenged before this Court seeking recovery of a sum of Rs.2,28,860/- comprises of a sum of Rs.84,221/- which has been consented to be recovered by the petitioner vide his letter dated 24.08.2006. The issue is thus limited to recovery of remaining sum of Rs.1,44,639/-. This Court finds that the recovery of the remaining sum of Rs.1,44,639/- after deducting Rs.84,221/- from Rs.2,28,860/- may not be permissible for the reason that the recovery of the remaining sum is apparently sought to be made without issuing any notice and after the petitioner retired from service. The Counsel for the petitioner and respondent would submit that the recovery of Rs.84,421/- shall remain undisturbed. However, if any sum over and above Rs.84,421/- had been recovered from the petitioner after retirement the same shall be paid to the legal heirs of the petitioner.

5. With the above directions and observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar



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To:

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- 1.The Managing Director,
Tamilnadu Civil Supplies Corporation,
12, Thambusamy Road, Kilpauk,
Chennai 600 010.
 - 2.The Senior Regional Manager,
Tamilnadu Civil Supplies Corporation,
Tiruvarur.
- +1cc to Mr.T.Saikrishnan, Advocate SR.No.23894
- +1cc to Mr.C. Selvaraj, Advocate SR.No.23585

W.P. No.14486 of 2010

MT (CO)
GMY (28/06/2022)