



W.P.Nos.1657 & 1659 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.Nos.1657 & 1659 of 2015

V.R.Mathiyazhagan ..Petitioner in W.P.No.1657/2015

R.Selvaraj ..Petitioner in W.P.No.1659/2015

VS

1. The Board of Directors,
Tamil Nadu Minerals Ltd.,
Chepauk,
Chennai - 600 005.
2. Tamil Nadu Minerals Ltd.,
Rep. by its Managing Director,
Chepauk,
Chennai - 600 005.
3. Mr.Henry Robert, (Enquiry Officer)
Deputy Manager (Maintenance),
Tamil Nadu Minerals Ltd.,
Chepauk, Chennai - 5. ... Respondents in both the W.Ps.

Writ Petitions filed under Article 226 of the Constitution to issue a Writ of Certiorari to call for the records relating to Recovery of Financial Loss order dated 23.12.2014 in Proc.No.3992/E5/2014-3 and Proc.No.3992/E5/2014-2 respectively passed by the 2nd respondent and quash the same.



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For Petitioners
in both the W.Ps. : Mr.K.Raja

For Respondents
in both the W.Ps. : Mrs.A.Sri Jayanthi

COMMON ORDER

These writ petitions have been filed challenging the order of recovery dated 23.12.2014.

2. The allegations against the petitioners are that while the petitioners were working in Thiruthangal Quarry as Mine Mate and Senior Mines Foreman respectively, certain irregularities were noticed against them. For the derelictions of duties and responsibilities, charges were framed against them and the petitioners have also submitted their explanations to the charge memo and thereafter, an inquiry was conducted and in respect of petitioner in W.P.1657/2015 one charge was held proved and in respect of petitioner in W.P.1659/2015 two charges were held proved. The Accountant General in his audit report has pointed out that there was loss to the tune of Rs.132.97 lakhs due to pilferage of granite blocks in Thiruthangal Quarry. Thereafter, TAMIN has passed the final orders and for the proved charges, awarded the punishment of stoppage of annual increment for 4 years with cumulative effect in respect of



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petitioner in W.P.1657/2015 and stoppage of annual increment for 5 years with cumulative effect in respect of petitioner in W.P.1659/2015, without detrimental to any action to be taken against them on the report of CBCID yet to be received and also informed the petitioners that the financial loss to the company will be recovered from them and orders will be issued separately. By the impugned order, a recovery of a sum of Rs.37,99,144/- and Rs.47,48,928/- respectively from the salary of the petitioners in monthly instalments at Rs.18,000/- per month and Rs.28,000/- per month respectively from January 2015 upto his superannuation and after their retirement, the balance amount to be recovered from their terminal benefits like gratuity, encashment earned leave and the balance if any to be recovered under Revenue Recovery Act, were ordered. Hence, these writ petitions have been filed.

3. Now, a report of CBCID in proceedings C.No.C1/13/794/2007 dated 21.04.2015, obtained through the Right to Information Act by the one of the petitioners herein(R.Selvaraj) vide letter dated 04.09.2019, is placed before this Court, wherein paragraph Nos.8 to 11 read as follows:

"8. Furthermore, the Chairman and Managing



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Director TAMIN, Chennai was addressed on 12.08.2008, to take action for furnishing the dummy number blocks register for enquiry purpose. However, they could not produce the dummy number block register. According to Tr.P.Girudharan, formerly Divisional Manager, TAMIN Melur, there was no instructions from TAMIN, headquarters with regard to blasting of rejected blocks prior to 10.7.2001. In the absence of standardized operating procedure to be followed in TAMIN quarry and non-availability of dummy number block register, no conclusive finding can be arrived at the loss made to the Government by blasting these rejected blocks in the quarry.

9. In respect of the allegations that Mines Forman Tr.Selvaraj and Mine mate Tr.Mathialagan, Project Officer Tr.Venkatachalapathy violated the procedure of providing paint marks in the pits and not recording the progress of works in the pits could not be decided during the enquiry by CBCID since the extrication works were carried out subsequent to the report of the Divisional Manager, Melur,TAMIN.

10. The allegation that there was a loss of revenue of Rs.132.97 lakhs due to lapses on the part of Project Officer Tr.Venkatachalapathy and others cannot thus be substantiated.

11. Under these circumstances, it is requested that the Chairman and Managing Director, Tamil Nadu Minerals Limited, Chennai, may pass suitable final orders in the



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pending disciplinary proceedings against Tr.Venkatachalapathy, Project Officer, Tr.Selvaraj, Mines Forman and Tr.Mathialagan, Mine Mate, for their lapses of not assigning dummy numbers to 40 extricated TAMIN granite blocks. There is no ground to proceed with any criminal action against the above mentioned delinquent personnel."

4. In view of the above, it is clear that the petitioners cannot be fixed with any liability. Therefore, the impugned order of recovery dated 23.12.2014 passed by the 2nd respondent is hereby quashed. Accordingly, the Writ Petitions are allowed. No costs.

22.11.2022

Index:Yes/No
Speaking/Non-speaking order
vsi

To

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