



W.P.No.28675 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28675 of 2014

and

M.P.No.1 of 2014

and

W.M.P.No.5004 of 2017

J.Parameswaran

...Petitioner

Vs.

1.The Joint Director of Agriculture,
Kancheepuram, Kancheepuram District.

2.The Assistant Director of Agriculture,
Puzhal, Chennai – 60.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records relating to Proceeding of the Joint Director of Agriculture, Kancheepuram in No.U2/1696/2013 dated 27.08.2014 in ordering recovery for a sum of Rs.5,89,050/- in 84 instalments, quash the same and forbear the respondents herein from in any manner recover the said sum from the petitioner and refund the amount already recovered if any within short date that may be fixed by this Hon'ble Court.



W.P.No.28675 of 2014

For Petitioner : M/s.G.Sridevi
For Respondents : M/s.R.L.Karthika
Government Advocate

ORDER

The order of recovery to recover the financial loss occurred to the State Exchequer is under challenge in the present writ petition.

2. The writ petitioner was holding the post of Depot Manager Grade-III in the office of the Assistant Director of Agriculture, Puzhal, Chennai – 60. The Joint Director of Agriculture, Kancheepuram issued the order impugned to recover a sum of Rs.5,89,050/- in 84 instalments with reference to the loss occurred on account of keeping 198 MTs of Gypsum, which became expired. The petitioner states that during the period from 2009-2011, Gypsum was stocked outside the Godown of Agricultural Extension Centre, Pavanjur for want of space. The Gypsum bags were not supplied during the relevant point of time to the beneficiaries. The petitioner gave representation to the Assistant Director of Agriculture in this regard. While so, the petitioner received a memo from the Joint Director of Agriculture, Kancheepuram in proceedings dated 18.03.2013, calling explanations for 280 tons of Gypsum bags in the torn state in the



W.P.No.28675 of 2014

Agricultural Extension Centre, Pavanjur. The petitioner, on receipt of the memo, calling explanations, submitted his reply on 14.08.2013, referring his earlier letters, questioning the Assistant Director of Agriculture, Pavanjur, who committed lapses in not initiating action in respect of the letters sent by the petitioner. In other words, the petitioner states that he sent several letters to the Assistant Director of Agriculture to safeguard the Gypsum bags, which was kept inside the Godown and the Assistant Director has failed to initiate action, which resulted in financial loss.

3. The learned counsel for the petitioner made a submission that the entire liability cannot be fixed on the writ petitioner alone as the petitioner had sent several letters to the Assistant Director for initiating action to safeguard the Gypsum bags, which was kept inside the Godown during the relevant point of time and there was a failure on the part of the Assistant Director of Agriculture, Pavanjur.

4. However, this Court is of the considered opinion that such factual disputes cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Such an adjudication is to be undertaken by the



W.P.No.28675 of 2014

competent authority with reference to the original records and evidences available. In the present case, the Joint Director of agriculture arrived a conclusion that there was a financial loss to the State Exchequer and issued the impugned order of recovery.

5. The learned counsel for the petitioner states that the liability is fixed only on the writ petitioner, despite the fact that he had taken action to protect the Gypsum bags during the relevant point of time.

6. Thus, an enquiry, if at all to be conducted, the petitioner has to approach the Appellate Authority for adjudication of the disputed facts and issues. Contrarily, this Court cannot form an opinion with reference to the liability to be fixed on more than one official of the Department.

7. As far as the order impugned is concerned, the authorities found that 198 tons of Gypsum bags were kept in a careless manner, which resulted in financial loss to the State Exchequer and accordingly, issued orders to recover the financial loss occurred to the State Exchequer. Actions in this regard cannot be found fault with. However, if the petitioner is of an



W.P.No.28675 of 2014

opinion that he is not the only official responsible, it is for him to approach the Appellate Authority for further adjudication of issues based on the documents and evidences.

8. In view of the facts and circumstances, this Court do not find any infirmity in respect of the financial loss arrived by the competent authorities. However, the petitioner is at liberty to approach the Appellate Authority for the purpose of redressal of his grievances.

9. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

07.07.2022

Index : Yes
Speaking order: Yes
kak

To

1.The Joint Director of Agriculture,
Kancheepuram, Kancheepuram District.

2.The Assistant Director of Agriculture,
Puzhal, Chennai – 60.



WEB COPY



W.P.No.28675 of 2014

S.M.SUBRAMANIAM, J.

kak

W.P.No.28675 of 2014

07.07.2022