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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 22213 of 2019

P.Mathivanan

... Petitioner

-vs-

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Regional Manager,
(Chennai South), Chennai-600 086.
2. The General Manager (Quality Control),
The Tamil Nadu Civil Supplies Corporation,
No. 12, Thambusamy Street, Kilpauk,
Chennai-600 010.
3. The General Manager (Administration),
The Tamil Nadu Civil Supplies Corporation,
No. 12, Thambusamy Street, Kilpauk,
Chennai-600 010.
4. The Managing Director,
The Tamil Nadu Civil Supplies Corporation,
No. 12, Thambusamy Street, Kilpauk,
Chennai-600 010.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Fourth Respondent relating to the Proceedings in Se. Mu. Aa. No. AD3/43960/2018 dated 07.01.2019 and quash the same and consequently direct the Fourth Respondent to refund the amount of Rs. 85,008/- recovered from the Petitioner towards alleged loss caused to the Respondent.

For Petitioner : Mr. S.Dhayaleswaran

For Respondents: Mr. L.P.Shanmugasundaram

O R D E R

Heard Mr.S.Dhayaleswaran, Learned Counsel for the Petitioner and Mr. L.P.Shanmugasundaram, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



that in furtherance to the order dated 17.09.2018 in W.A. No. 627 of 2018 passed by the Division Bench of this Court, the Petitioner had preferred appeal before the Fourth Respondent who has confirmed the orders for recovery dated 16.04.2011 and 18.04.2011 passed by the First Respondent against the Petitioner, which are assailed in this Writ Petition. It is evident from the impugned order in Se. Mu. Aa. No. AD3/43960/2018 dated 07.01.2019 passed by the Fourth Respondent that though the contentions raised by the Petitioner have been extracted, there has not been any discussion in that regard, which would vitiate the same.

3. In that view of the matter, the impugned Order in Se. Mu. Aa. No. AD3/43960/2018 dated 07.01.2019 passed by the Fourth Respondent, is set aside and the matter is remitted to be decided afresh by the Fourth Respondent. It shall be incumbent upon the Fourth Respondent to conduct an enquiry affording full opportunity of personal hearing to the Petitioner to explain his contentions and pass reasoned order dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken under written acknowledgment. Such exercise shall be completed within a period of two months from the date of receipt of copy of this order.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Regional Manager,
(Chennai South), Chennai-600 086.
2. The General Manager (Quality Control),
The Tamil Nadu Civil Supplies Corporation,
No. 12, Thambusamy Street, Kilpauk,
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3. The General Manager (Administration),
The Tamil Nadu Civil Supplies Corporation,
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Chennai-600 010.



4. The Managing Director,
The Tamil Nadu Civil Supplies Corporation,
No. 12, Thambusamy Street, Kilpauk,
Chennai-600 010.

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+1cc to Mr.S.Dhayaleswaran, Advocate, S.R.No. 24700

W.P. No. 22213 of 2019

RSI (CO)
GN(15/06/2022)