



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4465 of 2014
and
M.P.No.1 of 2014

T.Rizwan Ahmed

...Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary,
Backward Classes, Most Backward Classes and
Minorities Welfare Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2. Tamil Nadu Minorities Economic Development Corporation Ltd.,
807, Anna Salai, 5th Floor,
Chennai - 600 002.

Rep. by its Managing Director

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records ending with the order bearing letter No.A2/510/2008, dated 23.11.2012 issued by the second respondent and quash the same.

For Petitioner : Mr.C.K.Syed Shaffi

For Respondents: Ms.R.L.Karthika
Government Advocate

ORDER

The order of recovery dated 23.11.2012, to recover the Administrative Charges and EDLI Insurance Charges paid by TAMCO is under challenge in the present writ petition.

2.The petitioner was appointed as Commercial Trainee in Tamil Nadu Steels Limited on 12.12.1972 and became permanent employee as Junior Assistant on 12.06.1973. Subsequently, the Tamil Nadu Steels Limited was closed down by the Government of Tamil Nadu through G.O.Ms.No.222 Industries Department dated 16.06.1998. The petitioner was relieved from service of Tamil



Nadu Steels Limited and after serving for 22 years in the Accounts Department. Thereafter, the Government of Tamil Nadu absorbed in the Tamil Nadu Minorities Economic Development Corporation Limited (TAMCO) and the petitioner was appointed as Manager-Credit on the consolidated pay of Rs.10,000/- per month for one year. Thereafter, the service of the writ petitioner was continued and the petitioner was serving with the 2nd respondent till he attained the age of superannuation on 30.09.2009.

3.The grievance of the writ petitioner is that the employer contribution with Administration Charges and EDLI Charges paid by the TAMCO is sought to be recovered without issuing show cause notice or opportunity to the writ petitioner. The said action was taken on the ground that the employer's contribution cannot be made for re-employment to the petitioner.

4.This Court is of the considered opinion that any order affecting the rights of the employee is to be passed based on only after affording an opportunity to the petitioner. In the present case, the petitioner has reached the age of superannuation on 30.09.2009, and the impugned order of recovery was issued in the year 2012, after a lapse of 3 years from the date of retirement. In the event of any such recovery after a lapse of 3 years from the date of retirement the same will result in hardship to the writ petitioner and furthermore, he was a permanent employee in Tamil Nadu Steels Limited for 22 years and served with the 2nd respondent / TAMCO as a Manager-Credit with meager salary. Thus, the order of recovery, if implemented, would undoubtedly cause hardship to the writ petitioner after this length of time. The petitioner is now aged about 71 years and this being the factum, this Court is inclined to consider the writ petition and accordingly, the order impugned passed by the 2nd respondent in letter No.A2/510/2008 dated 23.11.2012 is quashed.

5.Accordingly, the Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Jeni/Ab



To

1. The Secretary,
State of Tamil Nadu,
Backward Classes, Most Backward Classes and
Minorities Welfare Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2. The Managing Director
Tamil Nadu Minorities Economic Development Corporation Ltd.,
807, Anna Salai, 5th Floor,
Chennai - 600 002.

+1cc to the Government Pleader, S.R.No.36902

W.P.No.4465 of 2014

SKM(CO)
RGA(06/07/2022)