



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.12636 of 2019

and

W.M.P. (MD) No.9391 of 2019

WEB COPY

R.Vijayarani

... Petitioner

vs.

The Commissioner of Police
Madurai City, Madurai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records relating to the impugned order in நகரணி.J1/16971/133/2017-மா.கா.ஆணை எண்.730/2019, dated 16.05.2019, passed by the respondent and quash the same as illegal.

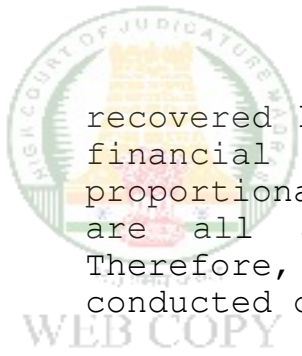
For Petitioner : Mr.K.Sivabalan
For Respondent : Mr.D.S.Nedunchezian
Government Advocate

O R D E R

The order dated 16.05.2019, passed by the respondent, is sought to be quashed in this writ petition.

2. The petitioner was appointed as Junior Assistant in the Office of the Madurai City Police, Madurai. He was promoted to the post of Assistant in the Budget Section of Madurai City Police Office. The petitioner received a shows cause notice dated 03.05.2018 stating that the sanitary materials purchased were not accounted for and there were certain other irregularities. There was no document available in respect of the sanitary materials purchased and under those circumstances, an audit objection was raised. Based on the audit objection, the Commissioner of Police issued the show cause notice. The petitioner submitted explanation to the show cause notice on 20.12.2018. The explanations were not supported with any relevant materials and consequently, the Authorities competent found that the financial loss caused to the State exchequer is to be compensated. Thereafter, the impugned order of recovery was issued fixing the liability proportionately amongst the officials, who are all responsible.

3. There are two circumstances, which are to be considered by this Court. In case of any misconduct which resulted in financial loss, then disciplinary proceedings are to be initiated under the Discipline and Appeal Rules. In respect of other circumstances, where there is no misconduct and there is only a financial loss to the Government, such financial loss is to be



recovered by providing an opportunity to the employee. As far as financial loss is concerned, the liability is to be fixed proportionately by fixing responsibility amongst the officials, who are all accountable and answerable for such financial loss. Therefore, the contention of the petitioner that an enquiry is to be conducted deserves no merit consideration.

4. In the present case, the liability was fixed on the Superintendent as well as the Assistant, who were working in the particular Section of the Establishment and caused financial loss to the State exchequer.

5. At this stage, the learned Government Advocate appearing for the respondent made a submission that the Office Superintendent has already paid his portion of the liability and the petitioner is yet to settle the amount.

6. This being the factum, the financial loss caused to the State exchequer is to be compensated. The public money is to be protected in all respects and the losse, if any noticed, must be recovered from the officials, who are responsible and accountable.

7. Under these circumstances, this Court is of the opinion that the procedures required were followed and an opportunity was provided to the petitioner and the financial loss was identified by the respondent and accordingly, liability was fixed proportionately and thus, there is no infirmity or perversity in the order impugned in this writ petition.

8. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

The Commissioner of Police, Madurai City, Madurai.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-6011[F] dated 14/02/2022)

+1 CC to M/s.SPL.GP (SR-5718[F] dated 11/02/2022)

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