



WP(MD)No.15317 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G. CHANDRASEKHARAN**

W.P.(MD)No.15317 of 2022

V.Selvaraju

... Petitioner

/vs./

1.The Chief Engineer (Agricultural Engineering)
Department of Agricultural Engineering,
Nanthanam,
Chennai – 35.

2.The Superintending Engineer (Agricultural Engineering)
Agricultural Department,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to refund the sum of Rs.4,26,074/- unlawfully deducted from the petitioner's gratuity to the petitioner to him with interest within the time stipulated by this Court by considering the petitioner's representation dated 12.03.2022.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr. M.Siddharthan,
Additional Government Pleader,



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ORDER

This Writ Petition has been filed to direct the respondents to refund the sum of Rs.4,26,074/- unlawfully deducted from the petitioner's gratuity to the petitioner to him with interest by considering the petitioner's representation dated 12.03.2022.

2.Mr.M.Siddharthan, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner joined as Engineer on 09.05.1998 under the first respondent in Agricultural Department. After completion of 22 years, the petitioner retired from service on 30.04.2020. Thereafter, the Agricultural Engineering Department framed and implemented various schemes for the development of agricultural and livestock farms etc., In the year 2012-2013 some development works were undertaken at District Livestock Farm at Echankottai with the funds provided



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under National Agricultural Development Programme. Accordingly, the petitioner supervised the development works and the records pertaining to the works were in the control of Office Superintendent of concerned Assistant Executive Engineer Office (AE), Thanjavur and the records pertaining to the works were not in the control of the petitioner. After completion of AG audit, the respondents alleged that the petitioner failed to produce the expenditure voucher for a sum of Rs.36,074/- pertaining to Bore well and Rs.3,90,000/- for construction of Pump room. At the fag end of his carrier, the respondents have deducted a sum of Rs.4,26,074/- from his gratuity amount. Thereafter, the petitioner requested the respondents for refund the said amount illegally deducted from his gratuity amount and sent representation to the respondents on 12.03.2022. Since the same has not been considered, the petitioner has approached this Court by way of filing this Writ Petition.

4.The learned Counsel appearing for the petitioner submitted that it would suffice, if the petitioner's representation is considered.



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5.The learned Additional Government Pleader appearing for the respondents submitted that a sum of Rs.4,26,074/- was deducted on the basis of undertaking affidavit given by the petitioner. Therefore, the petitioner is not entitled to claim the said amount.

6.Considered the rival submission and perused the records. It is not known as to whether any show cause notice has been given or oral enquiry has been conducted before fixing the responsibility on the petitioner and demanding him to pay the amount of Rs.4,26,074/-. Therefore, the respondents are directed to consider the petitioner's representation dated 12.03.2022 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

14.07.2022

Index : Yes / No

Internet : Yes / No

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G. CHANDRASEKHARAN, J.

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