



W.P.(MD).No.18774 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.18774 of 2022

S.Baskar

... Petitioner

Vs.

1.The Director of Agricultural Marketing and Agri
Business,
Thiru.Vi.Ka.Industrial Estate,
Cippet Road,
Guindy,
Chennai – 600 032.

2.The Secretary,
Virudhunagar Market Committee,
105A, Madurai Road,
Virudhunagar.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent i.e., The Secretary, Virudhunagar Market Committee, Virudhunagar not to effect any recovery as per his proceedings No. R.C.A2/1314/2022 dated 21.07.2022 till the appeal preferred by the petitioner to the Director of Agricultural Marketing and Agri Business, Chennai is disposed off.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.G.Suryananth,
Additional Government Pleader.



W.P.(MD).No.18774 of 2022

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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. For the charges initiated against the petitioner under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the loss, that is alleged to have occurred to the second respondent, was ordered to be recovered from the petitioner's pay, through the order of punishment, dated 09.12.2021. As against the same, the petitioner had preferred an appeal before the first respondent herein on 22.02.2022, which is claimed to be pending. During the pendency of the appeal, the second respondent herein has now passed the proceedings, dated 21.07.2022, ordering for recovery of a sum of Rs.73,394/- from the petitioner's salary in twelve equal monthly installments, which order is under challenge in the present Writ Petition.

3. When the original order of punishment, dated 09.12.2021, has already been challenged before the first respondent herein and the same is pending, it would not be appropriate for the second respondent to initiate recovery proceedings, since the recovery will be subject to the final decision of the appeal. On the other hand, if the first respondent herein is called upon to



W.P.(MD).No.18774 of 2022

dispose of the appeal within a stipulated time and withhold the recovery proceedings till then, the ends of justice could be secured.

4. Accordingly, there shall be a direction to the first respondent herein to dispose of the petitioner's appeal, dated 22.02.2022, within a period of three (3) months from the date of receipt of a copy of this order. Till such time, the appeal is finally disposed of, the order of the second respondent in Na.Ko.A2/1314/2022, dated 21.07.2022, shall be kept in abeyance and no other recovery proceedings in connection with the original punishment shall be initiated till then.

5. This Writ Petition stands allowed accordingly. There shall be no order as to costs.

18.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/btr



W.P.(MD).No.18774 of 2022

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W.P.(MD).No.18774 of 2022

M.S.RAMESH, J.

Lm/btr

W.P.(MD).No.18774 of 2022

18.08.2022