



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.18202 of 2021

and

W.M.P(MD)Nos.15036 and 15037 of 2021

Andichamy

:Petitioner

.vs.

1.The Director of Rural Development &
Panchayat Raj
Panagal Building,
Saidapettai
Chennai-600 015

2.The District Collector,
Office of the District Collector,
Virudhunagar District.

3.The Commissioner of Panchayat Raj
Block Development Officer,
Narikudi Union,
Thiruchuli Taluk,
Virudhunagar District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the 2nd respondent in his proceedings in Na.Ka.No.Q2/18918/2021 dated 26.08.2021 and consequential proceedings issued by the 3rd respondent in his proceedings in Na.ka.No.A4/2128/2018 dated 27.08.2021 and quash the same as illegal and unconstitutional.

For Petitioner :Mr.A.S.Rajeswari

For Respondents :Mr.D.Sadiq Raja

Additional Government Pleader

O R D E R

The order of recovery dated 26.08.2021 and consequential order dated 27.08.2021 are under challenge in the present writ petition.

2.The order dated 26.08.2021 states that the petitioner, who was a driver caused an accident against the two wheeler and caused grievances injuries to the victim. The victim filed M.C.O.P.No.74 of



2018 and the Motor Accident Claims Tribunal passed an award on 20.07.2021 granting compensation. As per the fund created by the panchayat under Rule 191(2)(c) of the Tamil Nadu Panchayat Act, the compensation has been settled in favour of the victim. After settling the compensation, the authorities are bound to recover the said amount from the driver, who is an employee of the panchayat.

3.The said fund is a public fund. The object of creating of a fund is settled, as the compensation is by the Court in favour of the victim. However, the financial loss caused to the panchayat is to be recovered from the employee, who is responsible for such financial loss.

4.In all such cases, in respect of Government vehicles if at all an accident occurs then the award amount granted by the Tribunal will be settled by the Government from its fund and thereafter, the said financial loss will be recovered from the employee, who is responsible for such accident.

5.In the present case, the petitioner was also a party to the M.C.O.P proceedings and he contested the case. After contest, the Motor Accident Claims Tribunal passed an award. The petitioner was not exonerated from the liability by the Motor Accident Claims Tribunal. Therefore, there is no interference in respect of the recovery issued against the writ petitioner.

6.The learned counsel for the petitioner made a submission that a criminal case is pending. Pendency of a criminal case is not a bar for issuing recovery proceedings. Such compensation amount has already been settled in favour of the victim. The MCOP proceedings is no way connected with the criminal proceedings. If at all an employee convicted in a criminal case, separate actions will be taken under the Service Rules concerned. However, financial loss is concerned, the respondents are bound to settle the compensation amount to the victim and recover the same from the employee concerned and the order of recovery impugned also states that the award amount with interest to be paid to the victim will be recovered from the petitioner by way of 89 monthly installments.

7.This being the factum, the petitioner has not established any acceptable legal grounds for the purpose of considering the relief and accordingly this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Director of Rural Development &
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+2 CC to M/s.A.S.RAJESWARI, Advocate (SR-14728[F] dated
28/03/2022)

+1 CC to M/s.SPL GP (SR-14924[F] dated 28/03/2022)

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and

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MGJ(01.04.2022) 3P 7C