



W.P.(MD)No.22800 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.22800 of 2015
and
M.P.(MD).Nos.1 and 2 of 2015

M.Chandrasekaran

... Petitioner

Vs.

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region,
Kuruvikaran Chalai,
Madurai 625 020.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent relating to impugned proceedings in Na.Ka.No.E4/3503/15(1), dated 02.11.2015 and quash the same insofar as the petitioner is concerned and consequently directing the respondent herein to return the amount already recovered from the petitioner's November 2015 month salary.



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For Petitioner : Mr.D.Srinivasa Ragavan

For Respondent : Mr.G.Mohan Kumar

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the respondent in Na.Ka.No.E4/3503/15(1), dated 02.11.2015 and quash the same insofar as the petitioner is concerned and consequently direct the respondent to return the amount already recovered from the petitioner's November month salary.

2. The case of the petitioner is that he was working as Bill Clerk in the open storage godown – I Kappaloor (CAP Storage) under the respondent. His duty is to maintain the accounts of godown as well as he has to maintain correspondence with the Regional Office. He was not qualified to assess the quality of the paddy. The respondent issued a show cause notice dated 11.06.2015, calling for explanation from the petitioner with regard to recovery for the loss towards deterioration of paddy quality within seven days. He has submitted his explanation on



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15.06.2015. Without conducting any enquiry, the respondent has passed the impugned order of recovery for a sum of Rs.33,387/-, by the impugned proceedings, dated 02.11.2015. The impugned order is bereft of details. Therefore, this writ petition.

3. In response, the learned counsel appearing for the respondent submitted that the petitioner and certain other officials working in Tamil Nadu Civil Supplies Corporation along with others caused huge loss by placing bricks and other materials in the place of paddy. The Departmental proceedings has been initiated against the petitioner and others and that ended in punishment and recovery order is passed for the loss caused to the respondent. There is no valid reason for challenging this recovery. Hence, he prayed for dismissal of this writ petition.

4. Considered the rival submissions and perused the records.



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5. The short point arises for consideration in this writ petition is passing the order of recovery without giving an opportunity of hearing to the petitioner is justified or not. There is no dispute with regard to the fact that no oral enquiry was conducted prior to passing the impugned order. A reading of the impugned order shows that it is bereft of details. The impugned order details the amount of loss caused to the respondent and there is no details with regard to how this petitioner and others were responsible for the loss caused to the respondent

6. For the above reasons, the impugned order is liable to be set aside. Accordingly, the impugned order dated 02.11.2015 is set aside and the respondent is directed to issue fresh show cause notice to the petitioner, to afford an opportunity to submit explanation and opportunity of hearing, conduct an enquiry and then pass a reasoned order, in the manner known to law.



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7. With the above directions, this Writ Petition is disposed of.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Internet: Yes

Index :Yes/No

akv

To

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
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G.CHANDRASEKHARAN, J.

akv

Order made in
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