



WEB COPY



WP.No.15273 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.15273 of 2013

N.Somasundaram

... Petitioner

Vs

1.The Board of Directors,
Tamil Nadu Industrial Investment
Corporation Limited,
Represented by its Chairman,
692, Anna Salai, Nandanam,
Chennai-600 035.

2.Principal Secretary/
Chairperson & Managing Director,
Tamil Nadu Industrial Investment
Corporation Limited,
Represented by its Chairman,
692, Anna Salai, Nandanam,
Chennai-600 035.

3.Chairman and Managing Director,
Tamil Nadu Industrial Investment
Corporation Limited,
Represented by its Chairman,
692, Anna Salai, Nandanam,
Chennai-600 035.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the



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record pertaining to the order passed by the 2nd respondent in his proceedings HRM/A1/7091/2010 dated 15.03.2011 insofar as denial of back wages and other monetary benefits and the order passed by the 2nd respondent in his proceedings HRM/A1/7091/2010 dated 15.06.2011 and the order passed by the 3rd respondent in his proceedings HRM/A1/7091/2010 dated 14.12.2011 and quash the same, and direct the respondents to settle the benefits such as back wages from 24.06.2003 to 25.04.2010 encashment of un-earned leave for 90 days, refund of excess interest deducted in vehicle loan and refund of excess interest deducted in housing loan, all with interest.

For Petitioner : Mr.S.Thendral
for Mr.P.Chellapandi

For Respondents : Mr.K.Magesh

ORDER

This writ petition has been filed challenging the orders passed by the third respondent, thereby rejected the request made by the petitioner for encashment of un-earned leave for 90 days, refund of excess interest deducted in vehicle loan and refund of excess interest deducted in housing loan.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. The petitioner, while he was working as Manager of the third respondent, was served with a charge memo dated 17.06.1999. The petitioner failed to submit his explanation. Therefore, an Enquiry Officer was appointed and the Enquiry Officer concluded that some of the charges were not proved and some of the charges were proved as against the petitioner. On proven charges, the disciplinary authority imposed punishment of reversion from the post of Manager to the post of Assistant Manager by an order dated 29.03.2001. Aggrieved by the same, the petitioner preferred an appeal before the first respondent.

4. On appeal, the first respondent issued a show cause notice to the petitioner as to why the punishment of reversion should be imposed. The Board enhanced the punishment as to one of dismissal from service. On receipt of the said show cause notice, the petitioner submitted his explanation. After personally hearing the petitioner, the first respondent resolved on 23.06.2003 to dismiss the petitioner from service. It was challenged by the petitioner in W.P.No.19121 of 2003 before this Court and the same was allowed and this Court directed the third respondent to reinstate the petitioner into service in the capacity of Manager and leaving it open to the third respondent.



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5. Aggrieved by the same, the third respondent filed Writ Appeal in W.A.No.1801 of 2004 and the same was also dismissed and the order passed by this Court was confirmed. Aggrieved by the same, the third respondent preferred S.L.P.No.24388 of 2008 before the Hon'ble Supreme Court of India and the same was also dismissed by an order dated 26.03.2010. Thereafter, the third respondent also filed review Application No. 112 of 2017 in W.A.No.1801 of 2014 and the same was also dismissed by a Hon'ble Division Bench of this Court. In the Writ Appeal, this Court, by an order dated 27.09.2004, granted interim order in WA.MP No.3373 of 2004 by imposing a condition that the third respondent should deposit a sum of Rs. 3 lakhs to the credit of W.A.No.1801 of 2004 in the Indian Bank, High Court Extension Counter, Chennai. After dismissal of SLP, the petitioner was reinstated into service on 16.04.2010 and posted to Trichy.

6. As directed by this Court in W.P.No.19121 of 2003, the Disciplinary Authority of the third respondent appointed an Enquiry Officer to conduct enquiry. At the time of recording the evidence by the Enquiry Officer, the petitioner, by a letter dated 09.05.2010, had requested the third respondent to drop the enquiry proceedings and



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consider the case sympathetically. However, it was rejected and as such, the petitioner submitted his letter of resignation on 21.01.2011. It was considered and accepted by an order dated 15.03.2011. Accordingly, he was relieved from service on 17.03.2011 by waiving balance notice period subject to the rules and conditions.

7. As per the conditions, the petitioner is entitled only for his Provident Fund, Encashment or Privilege Leave etc., due to him. However, the petitioner made another representation on 27.04.2011 seeking retirement benefit of salary in lieu of unearned leave for 90 days amounting to Rs.1,62,906/-, waiver of funded interest of Rs.44,222/- in vehicle loan and refund of the same, to refund the excess amount deducted in the vehicle loan, waiver of funded interest of Rs.21,174/- in the housing loan and refund of the same, to refund the excess amount deducted in the housing loan and NOC and Form 35 for the cancellation of HP endorsement in RC Book as the vehicle loan is fully settled. On receipt of the same, the third respondent passed an order dated 15.06.2011, thereby rejected the petitioner's claim except the documents sent for cancellation of HP endorsement in the RC Book by availing vehicle loan from the third respondent Corporation. Again the petitioner



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made the same representation and the same was also rejected by the third respondent by its communication dated 14.12.2011. All the three orders are under challenge in this writ petition. After relieving him from service, by accepting his reinstatement, the terminal benefits due to him were settled after deducting the due amount by the third respondent Corporation.

8. Therefore, this Court finds no infirmity or illegality in the orders passed by the third respondent. Thus the writ petition lack merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

01.08.2023

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Index:Yes/No
Internet:Yes/No

To

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692, Anna Salai, Nandanam,
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G.K.ILANTHIRAIYAN,J.

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