



W.P.No.21639 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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P.M.Mohan Babu

.. Petitioner

Versus

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

2. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus after calling for all the records pertaining to the passing of the order, dated 04.06.2013 in proceedings No.R.C.No.J1/7894/2009 on the file of the 2nd respondent and quash the same consequently direct the 2nd respondent to refund the sum of Rs.15,000/- with interest at the rate of 12% per annum within a specified date.

For Petitioner : Mr.G.Justin



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For Respondents : Mr.S.Karthikeyan



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ORDER

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2. It is the case of the petitioner that no show-cause notice was issued to him. Further, when the petitioner has retired from the service and the master-servant relationship ceased to exist, thereafter, post-retirement, unless there is a specific rule enabling the respondents to recover the money from the petitioner, the respondents cannot pass the order of recovery.

3. Per *contra*, the learned Counsel for the respondents would submit that Rule 9(1)(b) of the *Tamil Nadu Pension Rules, 1978*, as such, may not be applicable in the instant case as the petitioner is the employee of the Tamil Nadu Slum Clearance Board (now Tamil Nadu Urban Habitat Development Board) and the Managing Director is the authority in respect of the employees of the Board. In any event, he would submit that while passing the order of the retirement, specific powers to pass order on the particular item of the audit objection was retained by the Board and the petitioner also accepted all the other benefits by accepting the said condition. In that view of the matter, when the petitioner has received all



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the other amounts and has also submitted an explanation with respect of the loss of 149 number of fencing posts, which explanation was found to be not satisfactory on merits by the respondents and considering the overall facts and circumstances of the case and also the fact that the sum of Rs.13,097/- only have been recovered from the petitioner, this Court is not inclined to interfere in the matter.

4. Finding no merits, this Writ Petition is dismissed. No costs.

27.11.2023

Index : yes
Speaking order
Neutral Citation : no
grs

To

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
2. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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