



W.P.No.8396 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2023

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CORAM:

THE HONOURABLE JUSTICE Mr.V.LAKSHMINARAYANAN

W.P.No.8396 of 2013

V.Ganesan

...Petitioner.

Vs.

1.Tamil Nadu Civil Supplies Corporation Limited

Rep.by its Managing Director,

No.42, Thambu Swami Road,

Kilpauk,

Chennai – 600 010.

2.The Senior Regional Manager,

Tamil Nadu Civil Supplies Corporation Limited,

Thiruvavur.

...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of certiorarified mandamus calling for the records connected with the impugned orders of recovery of Rs.458/- issued by the second respondent vide proceedings in Na.Ka.No.SL5/16953/08 dated 22-02-2010 and subsequent 188 impugned order issued on different dates by the second respondent till 25-11-2011 for a total sum of Rs.1,40,859.60/- and quash the same and consequently direct the 1st respondent to refund the amount already recovered by the 2nd respondent from the salary of the petitioner from January 2010 with interest at the rate of 12% per annum and damages caused due to mental agony unnecessarily created by them, within the specified time frame.



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For Petitioner : Mr.G.P.Arivuchudar
For Respondents : Mr.C.Seharaj

ORDER

This writ petition challenges the order passed by the 2nd respondent for directing recovery of Rs.458/- and subsequent 188 impugned order issued by 2nd respondent for recovery of Rs.1,40,859.60/-. The perusal of the order shows that from the order of the Senior Regional Manager, an appeal lies to the Managing Director of the Tamil Nadu Civil Supplies Corporation. Though the learned counsel appearing for the petitioner would submit that an appeal had been filed, learned counsel appearing for the respondent states, that no such appeal is available on the file of the Managing Director.

2. Therefore, without going into the merits of the case, the petitioner is permitted to file an appeal to the first respondent within a period of 30 days from the date of receipt of copy of the order. Suffice that the petitioner files an appeal as against the order imposing liability on him.

3. The first respondent shall entertain the appeal without any reference to the period from 2010 till date as the petitioner has been *bonafidely* pursuing the writ petition.



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4. The appeal will be taken on file and disposed of on merits, after hearing the writ petitioner within a period of 12 weeks thereafter.

5. With the above, this writ petition stands disposed. No costs.

22.06.2023

nst

Index : Yes/No

Neutral Citation Case : Yes/No



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V.LAKSHMINARAYANAN,J
nst

To:

- 1.Tamil Nadu Civil Supplies Corporation Limited
Rep.by its Managing Director,
No.42, Thambu Swami Road,
Kilpauk,
Chennai – 600 010.
- 2.The Senior Regional Manager,
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