



WEB COPY



WP.No.13327 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.13327 of 2021

S.X.Avelco

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Petitioner

/vs/

1. The Managing Director,
TNCSC Head office, 12,
Thampusamy Road, Kilpauk,
Chennai - 10.

2. The Senior Regional Manager,
TNCSC Coimbatore Region,
Coimbatore-641030.

3. The Regional Manager,
TNCSC, Nilgiris Region,
Ooty, The Nilgiris.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the proceedings of the first respondent in AE14/37880/2012 dated 26.09.2020 and quash the same as illegal and consequently directing the third respondent to pay the amount of Rs.1,19,115/- and also direct the respondents to pay interest for the delayed payment of the earned and unearned leave balances to this petitioner.



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For Petitioner : Mr.P.R.Krishnaraj Mr.C.Selvaraj

For Respondents : Mr.C.Selvaraj,
Standing Counsel for TNCSC

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records of the proceedings of the first respondent in AE14/37880/2012 dated 26.09.2020 and quash the same as illegal and consequently directing the third respondent to pay the amount of Rs.1,19,115/- along with interest for the delay cause in disbursing the leave encashment.

2. The petitioner has challenged the recovery proceedings dated 26.09.2020 issued by the first respondent. The petitioner had retired on 30.09.2012. Since the first respondent through the impugned proceedings deducted a sum of Rs.1,19,115/- from and out of the retiral benefits of the petitioner, the petitioner has challenged the same by stating that it is arbitrary and illegal.

3. The learned counsel for the petitioner submitted that the petitioner has



not been given with any notice before passing the impugned order.

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4. Mr.C.Selvaraj, the learned Standing Counsel for the respondents submitted that the petitioner has been given with several show cause notices as to the loss caused to him along with a team of workers who are responsible for the storage loss, transit loss, etc.. It is further submitted that without challenging the show cause notices already issued to him and without giving any explanation about the loss caused and for which the petitioner is said to be responsible, he had chosen to file this Writ Petition and it is not maintainable.

5. The petitioner could have given due explanation to the respondents for show cause notices served on him before filing this Writ Petition. In the counter of the respondents list of various show cause notices given to the petitioner from the year 2001 have been shown.

6. The learned counsel for the petitioner submitted that the petitioner is not even aware of the incidents mentioned in the show cause notice as it relates back to the year 2001.



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jrs

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7. When several show cause notices were given to the petitioner, it can not be said that no opportunity was given to the petitioner. He ought to have given his due explanation.

8. However the petitioner is at liberty to give his explanation to the show cause notices issued to him and on the receipt of the same, the respondents shall pass appropriate orders within a period of four weeks.

In the result, the Writ Petition is disposed. No costs.

27.11.2023

Index : Yes
Internet : Yes/No
jrs

To

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