



W.P.No.14898 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.14898 of 2021
and W.M.P.Nos.15770 & 15771 of 2021

V.Muralidharan

... Petitioner

Vs.

1.Madras Fertilizers Ltd.,
(A Government of India Undertaking),
Rep. by its Chairman & Managing Director,
Post Bag No.2, Manali,
Chennai – 600 068.

2.The General Manager – P&A (a/c),
Madras Fertilizers Ltd.,
Post Bag No.2, Manali,
Chennai – 600 068.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent in HR/PF 3199/2021 and quash the communication dated 19.03.2021 therein and further direct the respondents herein to release the terminal benefits to the petitioner herein without deduction towards transport (car) recovery charges and along with interest.



W.P.No.14898 of 2021

For Petitioner : Ms.Hema Muralikrishnan

WEB COPY

For Respondents : Mr.Jayesh B.Dolia,
Senior Counsel
for M/s.Aiyar & Dolia

ORDER

This writ petition has been filed by the petitioner seeking to call for the records of the second respondent in HR/PF 3199/2021 and quash the communication dated 19.03.2021 therein and further direct the respondents herein to release the terminal benefits to the petitioner herein without deduction towards transport (car) recovery charges and along with interest.

2. The case of the petitioner is that the petitioner was appointed as General Manager (Finance) and joined M/s.Madras Fertilizers Ltd., (for brevity MFL) on 19.12.2013. The said post is a “E-8” level cadre post, just below the Board of Directors. As part of the perquisites extended to all GM level officers, he was allowed to use the Departmental car for the purpose of pick up and drop from residence to office and back, for which a sum of Rs.120/- per month was deducted form the petitioner’s salary under the head “Transport Recovery”. The car provided was not exclusive for his use and it



was used by all other officials for their official journeys as and when necessary.

2.2. Thereafter, from November 2015, the quantum of car recovery was enhanced to Rs.500/- per month on the basis of the order of the first respondent and the same was being deducted from his salary towards “Transport Recovery Charges”. Subsequently, the Board of MFL in their 287th Board Meeting, which was held on 15.12.2016, decided to increase the transport recovery to 5% of Basic Pay of respective employees. Hence, from January 2017 to till the date of his retirement, a sum equivalent to 5% of his basic pay was being deducted from his monthly salary towards transport recovery charges. After attaining the age of superannuation on 31.07.2020, his terminal benefits like monthly pension payable through LIC, gratuity payable through LIC, leave encashment have not been paid till date. When the petitioner corresponded with the respondents regarding to the same, he was suddenly served with the impugned communication dated 19.03.2021, whereby, the respondents had shown a recovery of Rs.4,94,916/- under the head “Car Recovery” and further demanded the petitioner to pay a sum of Rs.5,70,606/-. Thereafter, the petitioner has sent a letter dated 24.03.2021 to

Page No.3 of 29



the respondents seeking reasons for such an arbitrary recovery.

WEB COPY

2.3. In reply to the aforesaid letter, the second respondent informed through a letter dated 21.05.2021 that MFL Vigilance Section had advised to ensure compliance of DPE guidelines with regard to use of company car and in compliance of the same, the total recovery towards alleged ineligible car usage was Rs.6,16,300/-. The second respondent further informed that a sum of Rs.1,21,384/- had already been recovered from the petitioner towards usage of car on “monthly” basis and the balance amount to be deducted towards transport (Car) recovery charges work out to Rs.4,94,916/- Aggrieved over the same, the petitioner has come forward with the present writ petition, challenging the recovery order dated 19.03.2021.

3. Learned counsel for the petitioner submitted that there has been a series of correspondence between the respondents and the petitioner, wherein, the petitioner has pointed out, how the present action of recovery of transport (Car) charges over and above the sum, which has already been deducted, when he was in service was wrong. However, the respondents have shown an



adamant attitude in not considering his objections and till date, the respondents have neither paid the terminal benefits like gratuity etc., nor paying the monthly pension to the petitioner.

4. Learned counsel for the petitioner further submitted that the action of recovering transport charges from the petitioner for the period from 04.11.2013 to 31.07.2020 is absolutely illegal and liable to be set aside. The respondents have failed to note the fact that the additional perks, which were granted to GM level officers under the orders of Competent Authority i.e., CMD, specifically stated “Daily Pick Up and Drop by company car with a recovery of Rs.120/- per month”. Though the quantum of recovery was later varied, the perk of daily pick up and drop by car was not suspended or cancelled.

5. Learned counsel for the petitioner contended that the respondents are wrong in simply citing the Department of Public Enterprises (for brevity DPE) guidelines in O.M.F.No.2(23)/11-DPE (WC)-GL-XXVI/13 dated 04.11.2013, when such guidelines are implemented in MFL, only when the Board of MFL decides to implement the same by passing resolution. Further,



it is only after the DPE guidelines dated 04.11.2013, the Board of MFL in their 287th Board Meeting dated 15.12.2016 decided to recover only 5% of Basic Pay from all employees for transport facility provided to them. Therefore, it is incorrect on the part of the respondents to make recovery of amounts in respect of guidelines not implemented by the Board.

6. Learned counsel for the petitioner further contended that the respondents miserably failed to see that till the date of his retirement, the petitioner was never put on notice or informed that he was not entitled to daily pick up and drop by department car and the petitioner was superannuated on 31.07.2020 and nearly one year has elapsed on the date of filing this writ petition. However, till date, the respondents have not paid a single pie to the petitioner towards his terminal benefits. Even, the monthly pension is not being paid to him. This has caused severe mental agony and distress to the petitioner, especially during the pandemic period.

7. Learned counsel for the petitioner has also filed a **re-joinder for the counter affidavit filed by the respondents**, wherein, it is stated that the Official Memorandum issued by DPE dated 04.11.2013 has not been brought



to the notice for implementation by the General Manager (P&A) department till the date of petitioner's retirement. Further, the guidelines issued by DPE are not automatically implemented in MFL, unless the board of MFL approves to implement it. It is to be noted that only after the receipt of DPE guidelines dated 21.01.2013 and 04.11.2013, the Board of MFL in its 287th Board Meeting held on 15.12.2016 decides to recover 5% of Basic Pay for all employees (which obviously includes General Manager) for using company transport facility.

7.1. When the case of Mr.Raja Manoharan was brought to the notice of the petitioner for car recovery, he sought the clarification from General Manager (P&A) Department, whether the Official Memorandums of DPE dated 21.01.2013 and 04.11.2013 were got the approval from the Board of MFL for its implementation. When General Manager (P&A) department has clarified that the said Official Memorandums have not been approved by Board for its implementation and he could not make any car recovery from Mr.Raja Manoharan.

7.2. The petitioner has not even served with a Demand Notice till



the date of his retirement for Extra Recovery for car usage. Only after the date of his retirement i.e., 31.07.2020, a Demand Notice dated 19.03.2021 has been served on the petitioner, demanding a total sum of Rs.5,70,606/- wherein it has been mentioned that for car recovery, he has to pay a sum of Rs.4,94,916/-. The above facts clearly establishes that MFL administration has resorted to illegal car recovery, after his retirement by not even issuing any show cause notice to the petitioner.

7.3. As per DPE's Official Memorandum dated 04.11.2013, the petitioner has not entitled to use company car for official purposes, however, the petitioner was joined MFL only on 19.12.2013, hence, the then CMD should not have extended additional perk of car facility to the petitioner and ought not have recovered a sum of Rs.120/- per month from his pay. This was later increased to Rs.500/- by the orders of the CMD. Later, the Board of MFL has decided to recover only 5% of basic pay on 15.12.2016 and the same has been recovered from the petitioner. This clearly proves the fact that MFL administration consciously extended car facility to the petitioner and does not have the intention of adopting the DPE's Official Memorandum dated 04.11.2013.



WEB COPY

7.4. Even though many guidelines are being issued by various Government Departments like Department of Public Enterprises (DPE), Central Vigilance Commission (CVC), Department of Fertilizers (DOF) etc., they are not adopted in MFL automatically. Those guidelines are being placed and discussed in the Board of MFL and it is the Board, which decides to adopt those guidelines, then only they are approved by the Board of MFL for adoption, which is being followed in MFL for time immemorial. The following instances, were the guidelines issued by various Departments of Government of India are being submitted to the Board of MFL and got approved before being adopted and followed in MFL:

(i) The Guideline issued by the Ministry of Labour and Employment dated 29.03.2018 for increasing Gratuity Limit from Rs.10 lacs to Rs.20 lacs was placed before the Board of MFL in its 301st Board Meeting held on 28.05.2018 and got approved for adoption in MFL (Annexure I).

(ii) The instructions issued by CVC through administrative Ministry, the Department of Fertilizers (DOF) for amending CDA Rules relating to Service Policy of MFL was placed before the Board of MFL in its 305th



Board Meeting held on 08.02.2019 and got approved for adoption in MFL
(Annexure II).

(iii) The instructions issued by CVC on 04.12.2017 through administrative Ministry the Department of Fertilizers (DOF) for adopting Integrity Pact for Tenders was placed before the Board of MFL in its 296th Board Meeting held on 14.12.2017 and got approved for adoption in MFL (Annexure III).

7.5. The respondents are wrong in the contention that settling of petitioner's terminal benefits like pension, gratuity etc., is subject to getting Vigilance Clearance. In this connection, an e-mail has been sent to CVO dated 22.05.2021 (Annexure IV) requesting to clarify whether he has denied Vigilance Clearance to the petitioner as stated by General Manager (P&A) in his letter dated 21.05.2021, due to which, he could not release the terminal benefits of the petitioner. **To this, the CVO vide his email dated 26.05.2021 (Annexure V) has clarified that only Vigilance Status is being furnished to retiring employees as and when sought and Vigilance Clearance is**



never furnished i.e, such a clearance is neither granted nor denied. This clearly shows that the present CVO is not objecting for payment of terminal benefits to the petitioner.

8. There is no reply filed by the respondents to the above re-joinder of the petitioner. Learned Senior Advocate appearing for the respondents submitted a counter affidavit dated 18.08.2021 and the relevant paragraphs are extracted hereunder:

“3. As per Office Memorandum No.2(23)/11-DPE (WC) dated 21.01.2013 issued by the Ministry of Heavy Industries and Public Enterprises, Department of Public Enterprises, company cars were provided to the Directors and Managing Director/Chairman and Managing Directors of CPSEs. Executive Directors (E-9 Grade), General Managers (E-8 Grade) heading the projects of CPSEs were also provided with the company car. As per Clause (B) of the said Office Memorandum the status/grade of the ‘executive’ may be taken into consideration to determine the type of car to be provided to him/her. As per Clause (G) of the said Office Memorandum, the Executive Directors and General Managers in charge of the constituent units who are not heading any project of the CPSE could be provided the facility of staff car for official purposes only. It further reads that such of those executives would not be entitled to the private use of the staff



car.

WEB COPY

4. It is pertinent to bring to the notice of this Hon'ble Court that by Office Memorandum bearing F.No.2(23)/11-DPE(WC) dated 04.11.2013, the Ministry of Heavy Industries and Public Enterprises, Department of Public Enterprises withdrew the provision mentioned in Para 1(G) of the Office Memorandum pertaining to issue of extending car staff facilities for the official purposes to Executive Directors and General Managers in-charge of the constituent units who are not heading any project of the CPSE. In effect, on and from 04.11.2013, key officials, sch as the writ petitioner who are not heading any project of CPSE are not entitled to use car facilities for official purposes. On the day, when the petitioner joined the services of the company viz., 19.12.2013, he was not eligible for car facility."

9. Learned senior counsel appearing for the respondents would further submit that the petitioner had availed perks and allowances for the transport facility, which he is not eligible, a sum of Rs.4,94,916/- towards recovery of ineligible car usage after adjusting a sum of Rs.1,21,384/- deducted as 5% of basic pay for the period from 19.12.2013 (date of joining) to 31.07.2020 (date of superannuation) was initiated against the petitioner.



10. Learned senior counsel appearing for the respondents further submitted that the terminal benefits payable to the petitioner was kept pending, due to pendency of disciplinary proceedings initiated against the petitioner with regard to procurement of reformer tubes, screw compressor, phosphoric Acid, HDPE bags and road transport contract. In respect of the same, he was awarded major penalty for all the above five tender and contracts. Earlier, he has been awarded with minor penalty in the case of (i) Recruitment of Liaison representative (Gr-IV) and (ii) Recruitment of Liaison Officer on contract and also received recordable warning in the case of (i) Recruitment of Liaison Officer (E-1 scale – failed attempt) and (ii) Recruitment of Plant Attendant Trainees. The entire disciplinary proceeding was completed during February 2021. Subsequently, on completion of the disciplinary cases, while processing the final settlement, vigilance clearance was sought, which is the procedure for obtaining employee clearance for final settlement. The Vigilance Department while referring to complaints relating to ineligible use of official vehicles, advised the respondents to ensure compliance to guidelines of DPE dated 04.11.2013. A similar direction has been received by the company from the CVC and its administrative Department of Fertilizers, Ministry of Chemicals and Fertilizers, Government



of India to comply with DPE guidelines on ineligible use of office car.

WEB COPY

11. Learned senior counsel appearing for the respondents contended that on verification, it was noticed that the petitioner was using the Company's car, which he is not entitled. Under those circumstances, recovery of ineligible amount for car usage was initiated against the petitioner and the he was called upon to pay the same. Further, the petitioner was informed that upon payment of the amount and after obtaining vigilance clearance, the final settlement will be processed. With regard to the reliance placed on the decision taken in the Board meeting held on 15.12.2016, the approval accorded for recovery of 5% basic pay with a minimum of Rs.500/- was for the employees, who use company transport like shift vans, general shift vans and general shift buses and not for company car as claimed by the petitioner. Hence, he prayed for dismissal of this writ petition.

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

13. The petitioner has joined MFL as General Manager (Finance) on



19.12.2013, which is a “E-8” level cadre post, just below the Board of Directors. **He was allowed to use the Departmental car for the purpose of pick up and drop from residence to office and back, for which a sum of Rs.120/- per month was deducted from the petitioner’s salary under the head “Transport Recovery”. The car provided was not exclusive for the use of the petitioner and it was used by all other officials for their official journeys.** In the year 2015, the quantum of car recovery was enhanced to Rs.500/- per month on the basis of the order of the first respondent and the same was being deducted from the salary of the petitioner towards “Transport Recovery Charges”. Subsequently, the Board of MFL in their 287th Board Meeting on 15.12.2016, decided to increase the transport recovery to 5% of Basic Pay of respective employees. **Hence, from January 2017 to till the date of his retirement, a sum equivalent to 5% of his basic pay was being deducted from the monthly salary towards transport recovery charges** from the petitioner till his date of superannuation on 31.07.2020. After attaining the age of superannuation on 31.07.2020, his terminal benefits like monthly pension payable through LIC, gratuity payable through LIC, leave encashment have not been paid till date, since there was a recovery of Rs.4,94,916/- under the head “Car Recovery” from the petitioner for using the

Page No.15 of 29



car facility, which he is not entitled as per the Official Memorandum of DPE dated 04.11.2013.

14. The period of recovery is from 04.11.2013 (official memorandum of DPE) to 31.07.2020 (date of superannuation of the petitioner). **It is evident from the petitioner's pay slip, in the month of October 2015, a sum of Rs.120/- was being deducted as "Transport Charges" for the daily pick up and drop of the company car and also in the pay slip for November 2015, a sum of Rs.500/- was deducted from the salary of the petitioner, since the same was enhanced to Rs.120/- to Rs.500/- by the respondents. Moreover, the pay slip of September 2017 of the petitioner shows that a sum of Rs.2888/- was deducted towards "transport recovery charges". Hence, it is crystal clear and evident that the petitioner is eligible for usage of company car as per the DPE guidelines dated 21.01.2013 and the same is only provided to the Directors and MD/CMD of CPSEs. The Executive Directors (E-9 Grade)/General Managers (E-8 Grade) heading the projects of CPSEs may also be provided with the company car.**



WEB COPY

15. The main contention of the respondents is that the official memorandum F.No.2(23)/11-DPE (WC) dated 04.11.2013, Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises **withdraw certain provisions of the official memorandum dated 21.01.2013, pertaining to the issue of extending car facilities for official purpose to Executive Directors and General Managers in-charge of the constituent unit, who are not heading any project of the CPSE and from 04.11.2013, the key officials like the petitioner, who are not heading any project are not entitled for usage of car facility for official purpose.** The petitioner, who joined the company on 19.12.2013 is not eligible for the car facility as per the official memorandum dated 04.11.2013. **This Court is surprised to note and unable to understand how a sum of Rs.120/- was deducted from the salary of the petitioner towards usage of car for daily pick up and drop, which was later enhanced to a sum of Rs.500/- from the year 2015, when he is not eligible for the same. It is also evident from the pay slips of the petitioner for the month of November 2015 as well as September 2017, which a sum of 2888/- was deducted towards car charges.**



WEB COPY

16. The respondents failed to note this fact that according to the official memorandum dated 04.11.2013 the key officials like the petitioner, who is not heading any department like CPSEs is not entitled to use the company car and then how he was permitted to use the same for a period of seven years, for which, every month, amount has been deducted from the salary of the petitioner towards transport charges.

17. It is a clear case of negligence on the part of the respondents in providing and extending the company car facility to the petitioner, who is the “E-8” Grade officer, below the Board of Directors. It is really unfortunate that in a Public Enterprises like MFL, the officials of the department of Transport, Logistics, Accounts were so lethargic, irresponsible and negligent in extending the car facility to the petitioner, who is the General Manager and not entitled for company car facility, as per the Official Memorandum of DPE dated 04.11.2013.

18. It is pertinent to note that the petitioner retired on attaining the age of superannuation on 31.07.2020 and Demand Notice was issued only on



W.P.No.14898 of 2021

19.03.2021, demanding a sum of Rs.4,94,916/- for the usage of company car and after deducting a sum of Rs.1,21,384/- as deducted as 5% of basic pay for the lump sum recovery for the period of 19.12.2013 to 31.07.2020 and total recovery of Rs.5,70,606/-. After the superannuation of the petitioner dated 31.07.2020, a letter was sent to the petitioner dated 21.05.2021 by the respondents stating that he is not eligible for usage of company car from 04.11.2013 (official memorandum of DPE) to 31.07.2020 (date of superannuation of the petitioner) is unsustainable. **Moreover, the said letter was issued only after one year from the date of retirement of the petitioner. Thereafter, the petitioner has sent a representation dated 30.06.2021, requesting the respondents for settlement of terminal benefits including the pension.**

19. It is really shocking and surprising to note the attitude of the respondents in issuing the recovery notice regarding recovery charge for the usage of company car, **which has been extended by the company and for the same, the petitioner cannot be blamed or found fault for that. If according to the respondents, the petitioner is not entitled for company car usage then why, no action was taken against the petitioner and what**



prevented the officials from taking action to stop providing the facility of usage of company car to the petitioner, who is not eligible for the same as per the official memorandum of DPE dated 04.11.2013.

20. The respondents ought to have taken disciplinary proceedings against the erring officers, who were acted in irresponsible manner in discharging their official duties **rather than issuing the recovery order for the usage of company car facility, which has been extended by the respondents themselves. Instead of recovering the amount for the usage of company car from the petitioner, the respondents ought to have recovered the same from the concerned department officials, who are responsible for extending such a facility to the petitioner, which he is not entitled according to the official memorandum of DPE dated 04.11.2013.** Moreover, it can be seen from the records that any guidelines, the same has to be placed before the Board for approval, however, the official memorandum of DPE dated 04.11.2013 was not placed before the Board, when the same was done, it has not been came into effect **as stated in the re-joined filed by the petitioner for which no reply was filed by the respondents.**



WEB COPY

21. Many guidelines were issued by various departments of Government of India and the same was submitted before the Board of MFL for approval or adoption and to be followed in MFL **and the same analogy is applicable to the official memorandum of DPE dated 04.11.2013. It is not fair and proper on the part of the respondent in denying even the payment of pension to the petitioner from the date of retirement on 31.07.2020 i.e., for the last three years. On perusal of the records, it can be seen that there is no copy of the resolution submitted by the respondents to prove that the DPE guidelines dated 04.11.2013 was approved and adopted and the same is followed by the MFL.**

22. No doubt, the recovery order issued by the respondents is illegal, arbitrary has contended by the learned counsel for the petitioner. If, according to the second respondent, the MFL vigilance section had advised to ensure the DPE guidelines in regard to the usage of company car then why, the MFL has not complied the DPE guidelines for which, the action should be initiated/taken against the erring officers for not complying the same, instead of issuing the recovery communication to the petitioner. It is also pertinent to mention that it is an admitted fact that a



sum of Rs.1,21,384/- has already been recovered from the petitioner towards the car usage on monthly basis from the date of his appointment to his date of superannuation on 31.07.2020. This itself shows that the respondents themselves have extended the facility of usage of company car by the petitioner.

23. In view of the above order of recovery charges for usage of company car, atleast they could have paid the gratuity and PF. **It is purely an arbitrary action on the part of the official of the concerned department of the respondents and they are accountable for their own negligence and being irresponsible in discharging their duties. The respondents should have paid atleast the monthly pension to the petitioner, which is not paid to him for the last three years from the date of superannuation from 31.07.2020 that too during the Covid pandemic period, which would have affected his family's survival. The perks for the usage of company car was approved and sanctioned by the then Chairman and Managing Director of the Company and there is no proof to show that the said official memorandum dated 04.11.2013 of the DPE was brought to the notice of the petitioner, while he was in service from**



2013 to 2020 (7 years) and in the case of one Raja Manohar in regard to the car recovery, the petitioner sought clarification from GM (P&A) Department and he has clarified that the said official memorandum has not been approved by the Board for its implementation. But, however, no proof to that effect has been filed by way of typed set of paper along with the present writ petition. The DPEs Official Memorandum dated 04.11.2013 was not placed before the Board of MFL for approval till the date of superannuation of the petitioner dated 31.12.2020 and no document has been produced or submitted by the MFL that the same has been approved for implementation by the MFL and there is some force in the contention of the learned counsel for the petitioner in this regard and holds good and no written denial by the respondent by way of reply affidavit.

24. It is pertinent to note that if the petitioner is not entitled to use the company car, the respondents could have served a memo or a show cause notice to him, calling for explanation for usage of company car facility which he is not entitled, while he was in service and why no disciplinary proceeding has not been initiated against the petitioner. Moreover, the respondents did not choose to do the same or failed to do



for the simple reason that the Official Memorandum of DPE dated 04.11.2013 was not approved by the Board of Directors of the MFL and it is an after thought on the part of the respondents in initiating the recovery action against the petitioner that too after his superannuation.

25. The respondents did not issue any notice or show cause notice to the petitioner and no opportunity was given to him, before issuing the impugned communication of the second respondent dated 19.03.2021, asking the petitioner to settle the sum of Rs.5,70,606/- for usage of company car and other recovery, for which he is not entitled and the same is in violation of principle of natural justice. This Court could not understand for what reason and why, the respondent company failed to follow the instructions given by the administration department of Fertilizer, Ministry of Chemicals and Fertilizers by extending the usage of company car facility to the petitioner. Moreover, the company car was not used by the petitioner for one or two days or few months, he has used it for 7 long years and the same was permitted by the respondents, despite the official memorandum dated 04.11.2013.



26. The right course of action for recovering the charges for the usage of company car facility has to be done only from the officials of the concerned department of the respondent's company and not from the petitioner. It is pertinent to note that already a sum of Rs.1,21,384/- has been deducted towards the company car usage and the same is not disputed and the same was admitted by the respondents themselves in the counter affidavit. Even assuming that the Official memorandum dated 04.11.2013 issued by the DPE is approved are not, it is the respondent company, which is solely responsible for extending the company car usage facility to the petitioner for seven long years that is for his entire service period, which they cannot be blamed or found fault with the petitioner and it is the concerned officials of the respondents, who are at fault and the recovery action to be initiated against them as stated supra.

27. During the course of the final hearing, this Court posed a query and observed that it is the concerned officials of the respondent company is responsible for extending the benefit to the petitioner and any action has been taken against them. The learned Senior counsel admitted the negligence on the part of the officials but no action has been taken against the concerned



W.P.No.14898 of 2021

officials.

WEB COPY

28. Hence, this Court is of the considered view that the departmental /disciplinary action has to be initiated against the concerned officials of the respondent company, whether senior or retired who are responsible for extending the company car usage facility to the petitioner for his entire service period of seven years. The Chairman and Managing Director, the first respondent herein is directed to take departmental/disciplinary action against the concerned officials for extending the company car usage facility for seven long years ie., from his date of appointment from 04.12.2013 to 31.07.2020 date of superannuation and to recover the charges from them instead of recovering the same by issuing the impugned order against the petitioner for recovery of the same.

29. In view of the above factual matrix of the case, this Court is of the considered view that the communication issued by the second respondent vide HR/PF 3199/2021 dated 19.03.2021 **is liable to be quashed and the same is hereby quashed.**

Page No.26 of 29



W.P.No.14898 of 2021

WEB COPY

30. In the result, this writ petition stands allowed and the respondents are directed to release the terminal benefits to the petitioner without deduction towards transport (car) recovery charges and along with 6% interest, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

29.09.2023

(vm)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citations : Yes/No

To:

1.Madras Fertilizers Ltd.,
(A Government of India Undertaking),
Rep. by its Chairman & Managing Director,
Post Bag No.2, Manali,
Chennai – 600 068.

2.The General Manager – P&A (a/c),
Madras Fertilizers Ltd.,

Page No.27 of 29



Post Bag No.2, Manali,
Chennai – 600 068.

WEB COPY



W.P.No.14898 of 2021

J.SATHYA NARAYANA PRASAD,J.

vm

W.P.No.14898 of 2021



WEB COPY



W.P.No.14898 of 2021

29.09.2023