



W.P.No.17074 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.17074 of 2023

R.Rajagopal

.. Petitioner

Versus

1.Tamil Nadu Civil Supplies
Corporation Ltd.,
Rep. by its Chairman-cum-
Managing Director,
No.10, Thambusamy Road,
Kilpauk, Chennai – 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies
Corporation Ltd.,
Villupuram – 605 602.

3.The Regional Manager,
Tamil Nadu Civil Supplies
Corporation Ltd.,
Cuddalore – 607 001.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pass final orders on the recovery proceedings initiated against the petitioner as per the Enquiry



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Report dated 23.03.2009 and pay the recovered amount of Rs.22,666/- (Rupees Twenty Two Thousand Six Hundred and Sixty Six only) along with interest at the rate of 18% per annum from the date of retirement i.e. 30.09.2015 till the date of payment, within the time fixed by this Court.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.C.Selvaraj
Standing Counsel

ORDER

This writ petition has been filed to direct the respondents to pass final orders on the recovery proceedings initiated against the petitioner as per the Enquiry Report dated 23.03.2009 and pay the recovered amount of Rs.22,666/- (Rupees Twenty Two Thousand Six Hundred and Sixty Six only) along with interest at the rate of 18% per annum from the date of retirement i.e. 30.09.2015 till the date of payment.

2. The grievance of the petitioner is that he was appointed as Bill Clerk on 23.07.1983 and posted at New Godown, Villupuram on 23.07.1983. However, based on the surprise inspection conducted by the Vigilance Cell



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of the Head Office of the respondent-Corporation from 19.07.1983 to 23.07.1983, proceedings have been initiated. Accordingly, a sum of Rs.21,882/- sought to be recovered from the salary of the petitioner and the same has been challenged in the appeal and the Appellate authority allowed the order and remanded the matter for fresh consideration to the original authority whereas, the original authority by its order dated 22.06.2011, has recommended and given a finding to the effect that the petitioner was not appointed at the relevant point of time during the inspection, therefore recommended to drop the proceedings, particularly withdraw the recovery ordered against the petitioner. Thereafter the petitioner was permitted to retire from duty on 30.09.2015. However, the amount of Rs.22,666/- has been withheld, further other terminal benefits have not been paid till now. The said amount has not been paid despite the fact that there was recommendation to drop the proceedings. In this regard, the petitioner has given a representation dated 12.01.2021 and 4.6.2016. However, no order has been passed.

3. The learned Standing Counsel appearing for the respondents would submit that appropriate orders will be passed on the representation of the petitioner.



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4. It is an admitted fact that the proceedings initiated relate to the period 1983 wherein certain deficit stock noted by the vigilance committee, it is also admitted that the petitioner had joined the said godown only on 23.07.1983, the last date of inspection. The Enquiry Officer also found that he had not worked at the relevant point of time and recommended to drop further proceedings and release the said amount. However, no such order has been passed.

5. In such view of the matter, in the light of the finding in the enquiry report, relieving the petitioner from any liability, the 1st respondent shall pass orders and release the amount within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. There shall be no order as costs.

07.07.2023

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Index : Yes / No

Speaking Order : Yes / No



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To

The Chairman,
Life Insurance Corporation of India,
Central Office,
LIC Building 5th Floor,
West Wing, Yogakshema,
Jeevan Bhima Marg,
Mumbai – 400 021.



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N.SATHISH KUMAR, J.

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