



W.P.(MD)No.10518 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.10518 of 2020

T.John Sundaram

: Petitioner

Vs.

1.The Food Corporation of India
Rep. by its General Manager,
No.8, Mayor Sathyamoorthy Road,
Chetpat,
Chennai - 600 031.

2.The Managing Director
Tamil Nadu Warehousing Corporation,
Guindy,
Chennai.

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, to direct the respondents to
disburse a sum of Rs.41,516/- with interest to the petitioner which has been



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withheld by the 2nd respondent in discriminatory manner and without any valid reasons.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.M.Kumar - for R1
Batta Due - for R2

ORDER

This writ petition has been filed to direct the respondents to disburse a sum of Rs.41,516/- with interest to the petitioner which has been withheld by the 2nd respondent in discriminatory manner and without any valid reasons.

2. The learned counsel for the petitioner submitted that the petitioner joined as a Junior Assistant in the second respondent Corporation on 14.07.1977 and thereafter, promoted to the level of Ware House Manager Grade - I and after completion of 28 years of service, he retired from service on 31.10.2005. After retirement, an amount of Rs.41,516/- was withheld on



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the ground the alleged storage loss had occurred in Tuticorin Port Warehouse in respect of Food Corporation of India has not released and subsequently, the first respondent has withheld a total amount of Rs.3,87,388/-, out of which, Rs.1,767/- alone was refunded and the balance amount was not refunded. Hence, the respondents refused to refund the said amount. Challenging the same, the present writ petition is filed.

3. The learned counsel for appearing the petitioner further submitted that though the second respondent paid a sum of Rs.1767/- by way of cheque, however, the cheque was returned by the petitioner stating that the petitioner claiming Rs.41,516/-. Further, admittedly, the first respondent withheld an amount of Rs.3,87,338/-, for which, the first respondent refunded only a sum of Rs.87,662/- and the balance amount was not returned and no order was passed, relying the amount withheld by the first respondent, denying the balance amount to the petitioner is not sustainable one. Accordingly, he prayed for allowing the writ petition.



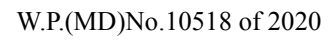
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4. Per contra, the learned Standing Counsel appearing for the first respondent submitted that admittedly, the first respondent withheld an amount of Rs.3,87,338/- due to storage loss and the District Committee after conducting an enquiry, had recommended for refund of the amount of Rs.87,662/- and the balance amount was not recommended for refund to the second respondent and hence, the amount was not refunded to the second respondent. However, appropriate orders will be passed with regard to the refund of the balance amount of Rs.2,99,403/- in favour of the second respondent within a reasonable time as fixed by this Court.

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

6. It is also an admitted fact for the withheld amount, no disciplinary proceedings were initiated by the second respondent and even then, withholding the balance amount of Rs.41,516/- is not sustainable one. However, the only grievance expressed by the second respondent is that



7. Though the second respondent not appeared before this Court, considering the fact and circumstances of this case, admittedly, the petitioner was a retired employee and he retired as a Warehouse Manager Grade-I and from the retirement benefit Rs.41,516/- was withheld on the ground that the first respondent withheld the amount of Rs.3,87,338/- and admittedly, the first respondent out of the said amount Rs.87,662/- was refunded and the balance amount of Rs.2,99,403/- is still with the first respondent.

8. In view of the above this Court is inclined to issue a direction to the first respondent to decide whether they are going to refund Rs.2,99,403/- in favour of the second respondent or adjudicate the matter as against the second respondent within a time stipulated by this Court. The first respondent is directed to conclude the entire dispute within a period of six weeks from the date of receipt of a copy of this order and after



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conclusion, if any amount is refunded by the first respondent, the second respondent is directed to release the withheld amount in favour of the petitioner within a period of two weeks thereafter.

9. With the above directions, this writ petition is disposed of. No costs.

04.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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M.DHANDAPANI, J.

RM

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