



W.P.(MD).No.16688 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16688 of 2023

and

W.M.P(MD)No.13972 of 2023

R.Anbalagan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supply Corporation,
Head Office,
Chennai-10.

2.The General Manager (Administration),
Tamil Nadu Civil Supply Corporation,
Head Office,
Chennai-10.

3.The Senior Regional Manager,
Tamil Nadu Civil Supply Corporation,
Madurai.

4.The Regional Manager,
Tamil Nadu Civil Supply Corporation,
Sivagangai Region,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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entire records connected with the order in Na.Ka.No.192/002815/2023, dated 09.06.2023 passed by the fourth respondent and quash the same, consequently directing the respondents to reinstate the petitioner in service with all service and other attendant benefits.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.G.Mohan Kumar
Standing Counsel

ORDER

The present writ petition has been filed for a Writ of Certiorarified Mandamus, calling for the entire records connected with the order in Na.Ka.No.192/002815/2023, dated 09.06.2023 passed by the fourth respondent and quash the same, consequently directing the respondents to reinstate the petitioner in service with all service and other attendant benefits.

2. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents and carefully perused the materials available on record.

3. The petitioner was sponsored through the employment exchange to the Tamil Nadu Civil Supply Corporation in Sivagangai District and was appointed



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in the post of Temporary Seasonal Bill Clerk in Tamil Nadu Civil Supplies Corporation in the Sivagangai Region as a casual labour with consolidated pay. He was deputed as Bill Collector for the season 2022-2023 at Nachikulam Direct Purchase Centre, which comes under Madurai region. On 15.11.2022, he had sent paddy bags in a lorry bearing registration No.TN 88 W 29 to Kadachanenthall Modern Rice Mill godown with truck memo for 443 bags. However, on verification, on 17.11.2022, the godown incharge found that there was a shortage of 121 paddy bags in the lorry. The same was communicated to the de-facto complainant. Pursuant to the same, spot inspection was conducted at Nachikulam Direct Purchase Centre on 17.11.2022.

4. Thereafter, on 17.11.2022 with truck memo No.7931 in a lorry bearing registration No.TN 38 B 6129, the petitioner had sent 90 bags of paddy, scale and other equipments along with 546 empty bags. As per the original truck memo, dated 15.11.2022, there should have been 443 paddy bags in aggregate. But there was a shortage of 121 bags of paddy and in furtherance to the same, the petitioner had sent equipments, paddy and empty bags through a private lorry on 17.11.2022. The petitioner is a Seasonal Bill Clerk and he was acting under his superiors. While so, the impugned order of relieving him from the



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service of Seasonal Bill Clerk came to be passed on 09.06.2023 on the basis of the criminal case in Crime No.267 of 2022 registered by the CSCID, Madurai Police Station, on the complaint of the Regional Manager, Tamil Nadu Civil Supplies Corporation Limited, Madurai. The investigation in the aforesaid criminal case is pending and the charge sheet is not yet filed. In view of the same, assailing the order of relieving the petitioner from the post of Seasonal Bill Clerk, dated 09.06.2023 this writ petition came to be filed.

5. The learned Standing Counsel for the respondents had filed a counter and submitted that the Tamil Nadu Civil Supplies Corporation is a Company incorporated under the Companies Act and it involves in procuring, storing and supplying various essential commodities under various Government Schemes including PDS. The petitioner was appointed as one such Temporary Seasonal Bill Clerk on consolidated pay in Sivagangai Region initially on 04.02.2016 and he had worked in various Direct Purchase Centers from time to time in every season. After which, he would be ousted on the completion of the respective seasons. Likewise, for carrying out procurement activity in Madurai Region during the Karif Marketing Season 2022-2023, the petitioner was deputed to Madurai region, as per the proceedings of the Regional Manager



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incharge Madurai, dated 01.11.2022 and thus the petitioner was serving as a Seasonal Bill Clerk at Nachikulam Direct Purchase Centre for the current procurement season. The primary duty of such Bill Clerk is to verify the documents given by the farmers including the certificate issued by the Village Administrative Officer and check the paddy for its moisture content, purchase it on 100% weighment, sack it in 40 kg bags, stitch the paddy bag as per norms with colour code provided for that season, label it with stencil and the entire exercise has to be done in coordination with the purchase officer. Thereafter, arrange a lorry from the Transport Contractor engaged by the respondent Corporation and move the paddy bags to the Modern Rice Mill or Taluk Godowns by raising truck memo for the total number of bags, which were moved through the said lorries.

6. The Nachikulam Direct Purchase Centre started its procurement operation on 03.02.2022 and ended on 15.11.2022 and for the truck memo, dated 15.11.2022 which was raised by the petitioner a total number of 546 bags of paddy ought to have been transported to the Modern Rice Mill Godown. However, there was a shortage of 121 bags of paddy, which was identified on verification, on 17.11.2022. That apart, on 17.11.2022, the petitioner indulged



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in raising another truck memo No.7931 by which he transported 90 bags of paddy and other agricultural equipments through a private lorry, which culminated in the registration of the criminal case in Crime No.267 of 2022 by the CSCID Police Station, Madurai.

7. The petitioner is not a permanent employee of the respondent Corporation and the post of Seasonal Bill Clerk is only a casual labour post with consolidated payment, who would be engaged from time to time for every season and would be ousted on the completion of the respective season and hence, in view of the same, the impugned relieving order came to be passed, pursuant to the pendency of the investigation, which has commenced by the registration of the criminal case in Crime No.267 of 2022 before the CSCID Police Station, Madurai. The aforesaid investigation by the competent police authority is still pending and only on the completion of the said investigation, on that basis disciplinary action would be commenced as against the petitioner and in view of the fact that the petitioner is only a Temporary Seasonal Bill Clerk, the relieving order came to be passed. In view of the same, this Court is inclined to observe that it is not necessary to interfere with the impugned relieving order, dated 09.06.2023 passed by the respondents. This Court is



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inclined to make a specific mention that the impugned order came to be passed by the respondent Corporation only as an interim measure.

8. This writ petition stands dismissed. There shall be no order as to costs.

Consequently, connected Miscellaneous Petition stands closed.

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NCC : Yes
Index : Yes
Internet : Yes
BTR

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L.VICTORIA GOWRI, J.

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