



W.P.(MD).No.19252 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19252 of 2023

and

W.M.P(MD)Nos.15948,15951 & 15953 of 2023

S.Muthuraman

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai-10.

2.The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai-10.

3.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Trichy Region,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the orders of the 3rd respondent passed in his proceedings Na.Ka.No.AD1/3642/2021 dated 23.06.2021 and quash the same as illegal, consequently forbearing the 3rd respondent from recovering the alleged loss



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amount from the petitioner's salary till the appeal, dated 05.07.2023 is disposed off by the 2nd respondent.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.P.Badurus Zaman
Standing Counsel

ORDER

The present writ petition has been filed to call for the records pertaining to the orders of the 3rd respondent passed in his proceedings Na.Ka.No.AD1/3642/2021 dated 23.06.2021 and quash the same as illegal, consequently forbearing the 3rd respondent from recovering the alleged loss amount from the petitioner's salary till the appeal, dated 05.07.2023 is disposed off by the 2nd respondent.

2. The petitioner is working as a Watchman in the Athavathur Modern Rice Mill belonging to the Tamil Nadu Civil Supplies Corporation, Trichy District. The petitioner was placed under suspension by the 3rd respondent vide his proceedings, dated 29.09.2020. Following which, the 3rd respondent issued a charge memo, dated 09.11.2020. Thereafter, on 10.02.2021, the 3rd respondent revoked the suspension and reinstated the petitioner into service. However,



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after reinstating the petitioner, vide proceedings of the 3rd respondent, dated 23.06.2021, two separate orders was passed to recover the alleged loss amount of Rs.81,655/- and Rs.76,895/-. The petitioner requested the indulgence of the 3rd respondent on 25.06.2021 seeking to withdraw the recovery order. However, his request was not considered.

3. In the meanwhile, with respect to the charge memo issued as against the petitioner, the 3rd respondent appointed Enquiry Officer to conduct domestic enquiry over the charges and file a report. Accordingly, the Enquiry Officer filed a report on 17.03.2022 concluding that the charges levelled against the petitioner were proved. Assailing the same, the petitioner submitted his explanation on 17.03.2023. Despite an elaborate explanation made by the petitioner, the 3rd respondent without considering the same, awarded punishment of stoppage of increment for a period of 3 years with cumulative effect vide his proceedings, dated 12.06.2023. Aggrieved by the same, the petitioner had preferred an appeal before the 2nd respondent on 05.07.2023 and the same is pending for consideration.



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4. Pending appeal, the 3rd respondent started recovering the loss amount from the petitioner's salary in 20 equated monthly instalments. The present writ petition has suffered an order of punishment of stoppage of increment for a period of 3 years with cumulative effect and being aggrieved by the same, the petitioner preferred an appeal, dated 05.07.2023 and the same is also pending. Hence, without disposing of the appeal, it is not proper for the 3rd respondent to commence recovering the amount from the petitioner's salary. Therefore, the 2nd respondent is hereby directed to dispose of the appeal on merits and in accordance with law within a period of sixteen (16) weeks from the date of receipt of a copy of this order. Till then, the impugned order shall be kept in abeyance.

5. In view of the above, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Note : Issue order copy on 21.08.2023.



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L.VICTORIA GOWRI, J.

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