



W.A.(MD) No.1209 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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and

C.M.P.(MD)No.9103 of 2023

- 1.The Tamil Nadu Khadi and Village Industries Board,
Rep. by its Board of Directors,
Kuralagam, Chennai-108.
 - 2.The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai-600 108.
 - 3.The Assistant Director,
Khadi and Village Industries Board,
Madurai-18. ... Appellants/Respondents 1 to 3
- vs-
- R.Rajapandian ... Respondent/Writ Petitioner

PRAYER: Writ Appeal has been filed under Clause 15 of Letters Patent to set aside the order, dated 17.02.2022 made in W.P.(MD)No.3282 of 2015 on the file of this Court.



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For Appellants : Mr.Raguvaran Gopalan

For Respondent : Mr.S.Louis

J U D G M E N T

D.BHARATHA CHAKRAVARTHY, J.

This Writ Appeal is directed against the order of the learned Single Judge, dated 17.02.2022 made in W.P.(MD)No.3282 of 2015. The learned Single Judge partly allowed the writ petition filed by the respondent, setting aside the punishment of removal from service, however, confirming the part of penalty in respect of the recovery of a sum of Rs.4,27,203.25/-. This apart an additional sum of Rs.2,00,000/- is also directed to be paid by the respondent/writ petitioner to the appellants. Finally, the learned Single Judge directed the respondents/appellants to consider the consequential relief since the punishment of removal from service is set aside and directed passing of fresh orders. Aggrieved by the same, the respondent in the writ petition, namely, the Tamil Nadu Khadi and Village Industries Board and others are on appeal before this Court.



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2. The respondent/writ petitioner joined service of the appellants as Khadi Assistant in the year 1975. On 09.12.2000, a charge memo was issued to the respondent/writ petitioner stating that the Khadi cloth was sold on credit basis to private individuals in violation of the instructions and thereby, causing loss to the tune of Rs.3,07,638.25/-. Ultimately, the proceedings culminated into an order of punishment dated 15.11.2002. The respondent/writ petitioner preferred an appeal which was also rejected. Aggrieved thereof, the respondent/writ petitioner preferred W.P.(MD)No.4683 of 2004 which was allowed on 27.09.2007 on the following terms:-

“...13. Under these circumstances, this Court has no hesitation in setting aside the appellate order as well as the original order. Accordingly, they are set aside and the writ petition stands allowed. No costs. The respondent Board is at liberty to conduct an enquiry afresh in the manner known to law regarding the charges leveled against the petitioner.

14. It is seen from the records that the petitioner had already reached the age of superannuation and therefore, if at all any enquiry was conducted, the said enquiry can be only with reference to fixation of an alleged loss committed by the



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3. Thereafter, once again, the enquiry was conducted and again a punishment of dismissal from service was imposed by the impugned order dated 17.07.2014. Therefore, the learned Single Judge considered the case of the parties and allowed the writ petition in as much as already the matter has attained finality in view of the above pronouncement in the earlier writ petition and directed only the recovery and the additional compensation to be made from the respondent.

4. Heard Mr.Raguvaran Gopalan, learned counsel appearing for the appellants and Mr.S.Louis, learned counsel appearing for the respondent and perused the material records of the case.

5. We are unable to countenance any of the grounds raised in the appeal and the submissions made by the learned counsel for the appellants, since the matter has already been decided by the learned



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Single Judge in the earlier round in W.P.(MD)No.4863 of 2004, the operative portion of which is extracted *supra*. Admittedly, the said order has become final. Therefore, the parties are bound by the said directions and therefore, if at all the enquiry could proceed, it could only be with regard to the fixation of the alleged loss. Therefore, the learned Single Judge restricted the relief to the appellants only to the recovery and has also ordered a further sum of Rs.2,00,000/- as compensation. As a matter of fact, the respondent/writ petitioner has accepted the said order. He has even filed a further writ petition in W.P(MD)No.14553 of 2022 to withhold the said amount and pay the balance of the retiral benefits including pension to him. As a matter of fact, the said writ petition came to be disposed of by an order dated 07.07.2022. He would therefore, submitted that till date the amounts are not disbursed to him.

6. In view thereof, this Writ Appeal is without any merits and it is accordingly dismissed. However, the appellants are directed to comply with the order in W.P.(MD)No.14553 of 2022 by disbursing all the benefits payable to him after deducting the amount due as permitted by the learned Single Judge within a period of two months from the date of



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receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]

28.07.2023

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

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Sivakasi Range,
Virudhunagar District.
- 3.The Inspector of Police,
M.Pudupatti Police Station,
M.Pudupatti,
Sivakasi Taluk,
Virudhunagar District.



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