



W.P.(MD).No.4839 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 4839 of 2016

Arockiasamy

... Petitioner

Vs.

- 1.The Principal Accountant General,
351, Anna Salai,
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,
Karur – 6.
4. The District Treasury Officer,
Karur.
5. The Commissioner,
Panchayat Union Office,
Kulithalai,
Karur District.
6. The Commissioner,
Panchayat Union Office,
Kadavur at Tharagampatti,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of *Certiorarified Mandamus*, calling for the



W.P.(MD).No.4839 of 2016

records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Rc.No.11561/Pen.(2)/2015, dated 19.01.2016 and quash the portion of the order withholding petitioner's retirement benefits as illegal and consequent direction may be issued to the 2nd and 3rd respondents to release the withheld amount of Rs. 41,982/- and Rs. 4000/- to the petitioner, within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.T.A.Ebenezer
For R-1 : Mr.P.Gunasekaran,
Standing Counsel
For R-4 to R-6 : Mr.P.Thambidurai,
Government Advocate
R-2 & R-3 : No appearance

ORDER

This writ petition has been filed to challenge the impugned order, dated 19.01.2016 and also seeking direction to the 2nd and 3rd respondents to release the amount of Rs.41,982/- and Rs. 4000/-.

2. The petitioner was working as Khadi Assistant Grade III and attained superannuation on 30.06.2015. While the petitioner was working in the said post, the loan amount would be deducted from the salary. Some of the workers of Noon-Meal Scheme working in Kadavur Panchayat Union under the 6th respondent have purchased things for loan.

The loan amount has to be deducted from the salary of the individuals and the same to be deposited in the Khadi bank account by the 6th



W.P.(MD).No.4839 of 2016

respondent. But, the 6th respondent deducted the amount of Rs.42,322/- and mistakenly deposited in the Government account. The 6th respondent wrote a letter to the 4th respondent Treasury Officer to return the money which was wrongly deposited on 16.04.2015. The 4th respondent sent a requisition to the Principal Accountant General, however, the said transaction was not reversed. In the meanwhile, the 2nd respondent deducted the said amount from the terminal benefits of the petitioner through the impugned order. Aggrieved over the same, the present writ petition is filed.

3. Heard Mr.T.A.Ebenezer, learned counsel appearing for the petitioner and Mr.P.Gunasekaran, learned Standing Counsel, appearing for the 1st respondent and Mr.P.Thambidurai, learned Government Advocate, appearing for the respondents 4 to 6. Perused the material documents available on record.

4. Admittedly, the entry has been wrongly entered, instead of credit into the Khadhi account the amount was credited in the Treasury account.

5. The contention of the petitioner is that he has not carried

out the said transaction and it was wrongly done by the 5th and 6th



W.P.(MD).No.4839 of 2016

respondents and the petitioner was unnecessarily penalised for it. Hence, this Court is inclined to set aside the impugned order.

6. Accordingly, this Writ Petition is allowed. The impugned order passed by the order 2nd respondent in his proceedings in RC. No.11561/Pen.(2)/2015, dated 19.01.2016, is hereby quashed. The 2nd respondent is directed to disburse the amount of Rs.41,982/- and Rs. 4000/- to the petitioner. The 4th respondent is directed to reverse the entry. No Costs.

Index : Yes / No
Internet : Yes
ksa

16.02.2023



WEB COPY



W.P.(MD).No.4839 of 2016

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 4839 of 2016**

16.02.2023