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W.P.(MD)No.8548 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.8548 of 2016
and
W.M.P.(MD)No.6866 of 2016

A.R.Mahalingamoorthy

... Petitioner

VS.

- 1.The Managing Director,
Tamilnadu Civil Supplies Corporation
(TNCSC),
Head Office, Kilpauk,
Chennai-10.
- 2.The General Manager (Administration),
Tamilnadu Civil Supplies Corporation
(TNCSC),
Head Office, Kilpauk,
Chennai-10.



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3.The Enquiry Officer,
The General Manager (Business),
Office of the Managing Director,
Tamilnadu Civil Supplies Corporation
(TNCSC),
Head Office, Kilpauk,
Chennai-10.

4.The Deputy Regional Manager,
Tamilnadu Civil Supplies Corporation
(TNCSC),
Collectorate, Master Plan Complex,
Ramanathapuram-25.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.A1/0573/2015, dated 02.02.2016, on the file of the respondent no.4 and to quash the same as illegal.

For Petitioner : Mr.G.Karthik
for M/s.Lajapthi Roy and Associates

For Respondents : Mr.G.Mohan Kumar



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ORDER

This writ petition is filed for writ of Certiorari, to quash the impugned order, dated 02.02.2016, on the file of the respondent No.4.

2. The contention of the petitioner is that pending disciplinary proceedings, the respondents have issued the recovery order which is against the principles of natural justice. However, pending this writ petition, the respondents have initiated the disciplinary proceedings and concluded the proceedings wherein the petitioner was held guilty.

3. Even before concluding of enquiry proceedings, the respondent ought not to have passed the recovery proceedings. Therefore, this Court is of the considered opinion that the impugned order ought to be quashed, since there is violation of principles of natural justice.



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Therefore, the impugned order is quashed.

4. However, the respondents are at liberty to take action as per the enquiry report and pass appropriate order as per law. As far as recovery, the respondents shall issue fresh notice, then the petitioner shall submit explanation and thereafter the respondents shall pass orders as per law.

5. With the above said observation, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

Internet : Yes

NCC : Yes / No

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