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W.P. No.8050 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.8050 of 2012

S.Udayasuriyan

... Petitioner

Vs.

1.Senior Regional Manager,
Tamil Nadu Civil Supplies,
Corporation Ltd.,
Post Box No.30, Mannargudi Road,
Thiruvarur District.

2.The Regional Manager,
Tamil Nadu Civil Supplies,
Corporation Ltd.,
Konam Nagar Kovil,
Kanniyakumari.

3.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai – 10.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the entire records pursuant to the order on the file of the 1st respondent dated 29.09.2011 in Na.Ka.No.P3/2611/2010, quash the same, consequently direct the respondents to repay the illegal deducted amount of Rs.3,500/- every month



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since October 2011 and to pay due difference of wages unpaid for the period from 01.03.2010 to 06.01.2011.

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For Petitioner : Mr.G.B.Saravanabhavan

For Respondents : Mr.S.Senthil Kumar

ORDER

This writ petition has been filed aggrieved by the proceedings dated 29.09.2011 issued by the 1st respondent in proceedings Na.Ka.No.P3/2611/2010 whereby, an amount of Rs.83,860/- was directed to be recovered from the petitioner's salary in monthly installments.

2. A perusal of the said proceedings dated 29.09.2011 shows that the same was issued pursuant to the consent said to have been given by the petitioner for recovery of the said amount from his salary. However, the petitioner filed the present writ petition contending that, the respondents at the time of reinstatement pursuant to the order passed by this Court in W.P.No.6963 of 2010 dated 11.08.2010 forcibly obtained certain Letters and signatures on blank papers and by using the same, impugned amount is sought to be recovered from the salary of the petitioner by issuing impugned proceedings.

3. In response to the notice issued by this Court, the 1st respondent



filed counter affidavit contending that the petitioner was issued a show cause notice dated 01.06.2010 in proceedings R.c.No.P3/3110/2010 and it is in response to the said notice, the petitioner agreed for the recovery of the amount from the monthly salary payable to the him by submitting consent Letter dated 30.08.2010 and accordingly, the amounts were recovered from the month of October 2011.

4. In spite of above noted specific averments made in the counter affidavit filed by the 1st respondent, the petitioner has not chosen to contradict the said averment of giving consent for recovery of the amount. Further, it is stated by the learned counsel for the petitioner that, in spite of the interim stay granted by this court, the respondents continuously recovered the said entire amount, stood recovered as on date.

5. In the circumstances, especially taking into consideration the fact that the petitioner himself has given consent for recovery of the amounts covered by the impugned order and the entire amount is also allowed to be recovered by the respondents and the petitioner failed to take any steps for alleged violation of the interim order passed by this Court, this Court is not



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inclined to interfere with the impugned order and accordingly, the writ petition is dismissed. The connected miscellaneous petitions, if any shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
dpa

To:

- 1.The Senior Regional Manager,
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Thiruvavarur District.
- 2.The Regional Manager,
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Corporation Ltd.,
Konam Nagar Kovil,
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- 3.The Managing Director,
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MUMMINENI SUDHEER KUMAR,J.

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