



WEB COPY

W.P.No.11402 of 2021
and W.M.P.No.12091 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.11402 of 2021
and W.M.P.No.12091 of 2021

T.Mani,
Selection Grade Junior Draughting Officer (Retired),
TANTEA, No.5-284/3C,
Krishna Residency Extension,
East Arasur & Post,
Coimbatore - 641 407.

...

Petitioner

versus

1.The Managing Director,
Tamilnadu Tea Plantation Corporation Ltd.,
Orange Grove Road,
Coonoor - 643 101.
The Nilgiris.

2.The General Manager,
Tamilnadu Tea Plantation Corporation Ltd.,
Orange Grove Road,
Coonoor - 643 101. The Nilgiris.

3.The Assistant Manager,
The Divisional Manager (i/c).,
Tamilnadu Tea Plantation Corporation Ltd.,
Coonoor Tea Division,
Orange Grove Road,
Coonoor - 643 101.
The Nilgiris.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to settle all the service and monetary benefits to the petitioner consequent on the setting of the punishment of reduction of pay to the bottom scale for a period of 7 years with cumulative effect dated 31.12.2002 passed by the 3rd respondent herein vide the order dated 30.10.2018 of this Court made in W.P.No.39275 of 2003.

For Petitioner : Mr.A.R.Suresh
For Respondents : Mr.S.Rajesh
Government Advocate (Forest)

ORDER

The petitioner has filed this petition seeking a writ of mandamus, directing the respondents to settle the service and monetary benefits to him with cumulative effect.

2. Heard Mr.A.R.Suresh, learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate (Forest) for the respondents and perused the materials available on record.

3. The petitioner has been appointed as a Draughtsman Grade-III in the respondents' Corporation. He was transferred from Tiger Hill Tea



Factory, Coonoor to the Factory of Kotagiri Tea Division. While the petitioner was working in Coonoor, he was allotted with staff quarters and after his transfer, he did not vacate the quarters because Kotagiri was within 30 kms away from Coonoor. Hence, the 3rd respondent had issued a notice for recovery of penal rent for the alleged overstay in the quarters.

4. Challenging the above order, the petitioner has filed a Writ Petition in W.P.No.1207 of 2001 and the same was disposed on 02.07.2021 by allowing the petitioner to stay until the rest of the academic year 2001-02 and thereafter, he should vacate the quarters. The petitioner has preferred an Appeal with a petition to condone the delay of 14 days in filing the appeal. When the same was pending, the respondents Corporation had issued another order dated 01.07.2002 by transferring the petitioner from Kotagiri Tea Division to Periakallar Tea Division. Challenging the said order, the petitioner filed another Writ Petition in W.P.No.24474 of 2002 and subsequently, the same was dismissed.

5. When the petitioner was working as a Draughtsman Grade-III in Ryan Tea Division, he was issued with the charge memo dated



19.04.2001 for disobedience of the orders of the superior and failure to vacate the quarters even after 3 years of his transfer. Enquiry has been initiated subsequently. An order has been passed stating that the charges against the petitioner were proved and the petitioner was given with the punishment of reduction of pay to the bottom scale for a period of 7 years with cumulative effect. Subsequently, the appeal filed by the petitioner was rejected by the second respondent on 05.11.2003.

6. Thereafter, the petitioner has filed Writ Petition in W.P.No.39275 of 2003 and that was allowed by this Court on 30.10.2018 and the impugned order was set aside by giving liberty to the respondents to collect the arrears of rent, if any payable by the petitioner and in view of the setting aside the order of punishment, other emoluments shall be paid to the petitioner. Subsequently, the petitioner made a representation to the respondents on 09.09.2020, it has not been considered so far.

7. Mr.S.Rajesh, learned Government Advocate (Forest) for the respondents submitted that the representation of the petitioner shall be considered on merits.



8. The petitioner has retired from service due to superannuation on 31.08.2017. The order of punishment has already been set aside by this Court in W.P.No.39275 of 2003 and the respondents did not file any Writ Appeal challenging the above said order so far. In such circumstances, there cannot be any hurdle in considering the representation of the petitioner in the light of the order passed in the above said Writ Petition.

9. In the result, this Writ Petition is **allowed** and the respondents are directed to consider the representation of the petitioner dated 09.09.2020 and pass orders in the light of the order passed in W.P.No.39275 of 2003 and disburse the monetary benefits due to the petitioner, after deducting the rental arrears, if any, payable by the petitioner and disburse the same within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

25.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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