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W.P.No.8808 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.8808 of 2020

K.S.Abubucker

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Transport Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Director,
Motor Vehicles Maintenance Department,
Velachery, Chennai – 600 042.

3.K.Senthilvel

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating the impugned Letter issued by the first respondent in Letter No.13116/H1/2019-4 dated 09.04.2020 and to quash the same and consequently directing the first respondent to take appropriate legal action against the third respondent for the irregularities committed in the matter of procuring of Oil and Lubricants for the period from 01.10.2013 to 01.04.2014.



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For Petitioner : Mr.G.Sankaran,
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents 1 & 2 : Mr.M.Rajendiran,
Additional Government Pleader

For Respondent 3 : No appearance

ORDER

The present writ petition has been filed to call for the records relating the impugned Letter issued by the first respondent in Letter No.13116/H1/2019-4 dated 09.04.2020 and to quash the same and consequently directing the first respondent to take appropriate legal action against the third respondent for the irregularities committed in the matter of procuring of Oil and Lubricants for the period from 01.10.2013 to 01.04.2014.

2. The case of the petitioner is that the petitioner was appointed as Automobile Engineer in Motor Vehicles Maintenance Department under the Transport Department in the year 1993 and promoted as Director in the year 2016 and retired from service on 31.03.2017. This being so, he was issued



with a Charge Memo on the date of retirement on 31.03.2017, based on audit objection that he has not followed the rules on purchase of Oil and Lubricants, which caused additional expenditure to the department. Consequently, he has submitted a detailed explanation for the said charge memo. The third respondent has purchased oil and lubricants for higher value, which was more than Rs.10,00,000/- without calling for tender directly from private dealers by showing the value less than Rs.10,00,000/- for each procurement by separate unit, though the purchase was made for the same item. However, the third respondent was not issued with charge memo.

3. Therefore, the petitioner submitted a representation to the Department with reference to the discrepancy committed by the third respondent in the matter of procurement of oil and lubricants during the relevant period. Since, it is not considered, the petitioner filed writ petition before this Court in W.P.No.32086 of 2019 and this Court vide its order 14.11.2019 directed the first respondent to take appropriate action after providing opportunity to the third respondent. Subsequently, the first respondent issued a order dated 09.04.2020 stating that the purchases were made by the third respondent on each occasion for various units as per total



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requirement of each unit and the procurement value of each separate unit is below Rs.10,00,000/-. Accordingly, no further action is warranted against the third respondent. Challenging the said order, the petitioner has come forward with the present writ petition.

4. Learned counsel for the petitioner submitted that the disciplinary action initiated against the petitioner on this issue culminated in imposition of punishment of pension cut of Rs.5000/- per month for a period of three years in G.O.(D) No.37 Transport (H1) Department, dated 05.06.2024. Challenging the said punishment, the petitioner preferred a statutory appeal before the first respondent on 07.08.2024 and the same is under consideration. Hence, he prayed this Court that direction may be issued to the first respondent to dispose of the appeal, within a time frame to be fixed by this Court.

5. Learned Additional Government Pleader appearing for the respondents 1 & 2 has no objection for the said order being passed by this Court.

6. Heard the learned counsel on either side and perused the materials



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available on record.

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7. In view of the aforesaid submission made by the learned counsel on either side, this Court directs the first respondent to consider the appeal preferred by the petitioner on 07.08.2024 and pass appropriate orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioner as well as aggrieved person if any, within a period of four months from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the above said observation and directions. No costs.

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Index : Yes/No
Speaking Order : Yes/No

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Chennai – 600 009.

2. The Director,
Motor Vehicles Maintenance Department,
Velachery, Chennai – 600 042.

J.SATHYA NARAYANA PRASAD,J.

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