



W.P.No.15348 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.15348 of 2020

and

W.M.P.No.19197 of 2020

Ms.P.Banu

...Petitioner

-Vs-

1.The Managing Director,
The Tamil Nadu Tea Plantation Corporation,
Orange Grove Road,
Coonoor – 643 101,
The Nilgiris.

2.The General Manager,
The Tamil Nadu Tea Plantation Corporation,
Orange Grove Road,
Coonoor – 643 101,
The Nilgiris.

3.The Divisional Manager,
Cherangode Tea Division,
Tamil Nadu Tea Plantation Corporation,
Cherambady, The Nilgiris – 643 220.

4.The Divisional Manager,
Naduvattam Tea Division,
Tamil Nadu Tea Plantation Corporation,
Cherambady, The Nilgiris – 643 220.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records pertaining to the recovery order passed in proceedings number 1476/2019/E dated 24.08.2020 with regard to the recovery of money from petitioner's salary for the period August 2020 to May 2021 to the sum of Rs.93,150/- by the third respondent and quash the same as illegal and arbitrary and direct the respondents to refund the amount deducted from petitioner's salary based upon impugned order and pass such further orders.

For Petitioner : Mr.M.Arul Raj

For Respondents : Mr.P.Raghunathan
for M/s.T.S.Gopalan

ORDER

The writ petition is filed seeking to quash the recovery order passed in proceedings number 1476/2019/E dated 24.08.2020 with regard to the recovery of money from petitioner's salary for the period August 2020 to May 2021 to the sum of Rs.93,150/- by the third respondent and direct the respondents to refund the amount deducted from petitioner's salary based upon the impugned order.



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2. Learned counsel for the petitioner submitted that she is working as a Field Conductor currently at Cherangode Tea Division Range III from 16.08.2018 onwards. During her service at Range III, Naduvattam Tea Division, in the year 2014, Rent Free Staff Quarters bearing Door No.62, in Range II, Naduvattam Division, was allotted to her and she was in possession without any disturbance. On 10.08.2018, she received a transfer order and she was directed to join Cherangode Tea Division Range III on 16.08.2018, but no quarters were allotted to her. When she requested quarters continuously, they showed her quarters with the absence of basic facilities, which are not in condition to live. In fact, there is no door in that quarters which was shown to her. And she pointed out the same to the officials, for that they asked her to stay in quarters which was allotted to her in Naduvattam. Even after she expressed her difficulty to officials that the distance between her place of work, i.e Cherangode to Naduvattam is 43 Kms. Therefore, she had to travel 86 Kilometers and she spent 4 hours per day travelling. The official concern failed to consider the same and they also failed to provide House Rent Allowance for the period "August 2018 to July 2020". Therefore she managed to stay in quarters which was allotted to her at Naduvattam.

3. Learned counsel further submitted that after one year she



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received show cause notice dated 19.09.2019 vide reference number Na.Ka.No.982/2017/Tho which seeks her explanation for staying in Naduvattam quarters. For that she gave them a reply stating that no designated / proper quarters were allotted to her at Cherangode and official concerned at Cherangode referred to a reference number 3003/15D dated 22.06.2015 and asked her to stay at quarters at Naduvattam. After receipt of her reply, no action was taken. During lockdown, the 4th respondent passed an order dated 30.04.2020 against her vide proceeding number 559/2019/D and directed to recover Rs.93,150/- from her salary.

4. Aggrieved over the order passed by 4th respondent, she preferred an appeal dated 26.05.2020 before the 2nd respondent. In which the 2nd respondent passed an order dated 24.07.2020 vide ref number 1423/20/D and rejected her appeal without considering merits of the case. Taking advantage of rejection order dated 24.07.2020, the 3rd respondent passed an impugned order dated 24.08.2020 vide proceeding number 1476/2019/E directed to recover Rs.93,150/- from her salary on 9 installments. The 3rd Respondent passed an order dated 24.08.2020 for execution of recovery and the same was effected against her and a sum of Rs.9,000/- was deducted from her monthly salary for the month of August 2020. Hence, the present



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writ petition has been filed.

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5. Learned counsel appearing for the respondents submitted that the petitioner's representation would be considered on merits and in accordance with law by the Authority concerned.

6. Heard both sides and perused the materials available on record.

7. In view of the limited prayer sought for and without going into the merits of the case, this Court is inclined to pass the following directions:

- a) The petitioner is directed to give a representation to the second respondent / The General Manager, The Tamil Nadu Tea Plantation Corporation, The Nilgiris, within a period of two weeks from the date of receipt of a copy of the order.**
- b) On receipt of the same, the second respondent is directed to consider the petitioner's representation and pass appropriate orders on merits, in accordance with law, within a period of four weeks thereof.**

In the result, the writ petition stands disposed of with the above



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observation and directions. No costs. Consequently, connected
miscellaneous petition is closed.

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cda

Index : Yes/No

Speaking/Non Speaking order

To

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