



W.A(MD)No.2181 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.2181 of 2024
and
C.M.P.(MD)No.15265 of 2024**

1.The Additional Chief Secretary
to Government,
Home Department, (Police-XVII),
Chennai-600 009.

2.The Director,
The Fire and Rescue Service
Department,
No.1, Greams Road,
Ayiram Vilakku, Chennai.

3.The Zonal Officer,
The Fire and Rescue Services
Department,
Karur Zonal, Karur.

... Appellants / Respondents 1, 3 & 4

-vs-

1.K.Manickam

... 1st Respondent/ Writ Petitioner

2.The Accountant General (A&E),
Office of the Accountant General,
No.361, Anna Salai,
Chennai-18.

... 2nd Respondent / 2nd Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 27.04.2023 in W.P.(MD)No.1792 of 2019.



WEB COPY



W.A(MD)No.2181 of 2024

For Appellants : Mr.S.R.A.Ramachandran,
Additional Government Pleader

For R-1 : Mr.G.Kasinatha Durai

For R-2 : Mr.P.Gunasekaran

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The challenge to the order of the recovery passed against the 1st respondent was allowed by the Writ Court.

2. The amount sought to be recovered is the cost of expenses incurred for repairing the fire engine that was damaged in an accident while it was being driven by the 1st respondent. When the proceedings were initiated, the petitioner attained superannuation and he was also allowed to retire. The department chose to recover a sum of Rs.1,84,757/- from his retiral benefits. The Writ Court had concluded that it was only an accident and the criminal case was closed as mistake of fact. The Writ Court has also concluded that the recovery that too from retiral benefits cannot be sustained.

3. Mr.S.R.A.Ramachandran, learned Additional Government Pleader would however contend that the conclusion in the criminal case cannot be a basis for absolving the employee from the liability in the disciplinary



W.A(MD)No.2181 of 2024

proceedings.

4. In the case on hand, the disciplinary proceedings have not been concluded and the employee has been allowed to retire. Therefore, recovery after retirement from the retiral benefits cannot be sustained.

5. Hence, we see no merit in the appeal. Therefore, Writ Appeal fails and it is accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

30.10.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Sml

To

1.The Additional Chief Secretary
to Government,
Home Department, (Police-XVII),
Chennai-600 009.

2.The Director,
The Fire and Rescue Service
Department,
No.1, Greams Road,
Ayiram Vilakku, Chennai.

3.The Zonal Officer,
The Fire and Rescue Services
Department,
Karur Zonal, Karur.



WEB COPY



W.A(MD)No.2181 of 2024
R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml

W.A(MD)No.2181 of 2024

30.10.2024