



W.P.(MD)No.14123 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14123 of 2024

and

W.M.P.(MD)No.12399 of 2024

S.Ezhilarasu

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Chennai.

2.The General Manager (Admin),
Tamil Nadu Civil Supplies Corporation,
Chennai.

3.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent in Se.Mu.No.AD6/83684/13(5), dated 23.06.2014 and the consequential impugned orders of the first respondent confirming the order of the second respondent in Se.Mu.AA.No.AD2/66070/2014 dated 10.01.2017 and Se.Mu.AA.No.AD4/42625/2017 dated 11.02.2019 and quash all the above



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orders and consequently direct the respondents to grant all service and monetary and other benefits.

For Petitioner : Mr.H.Arumugam
For R1 to R3 : Mr.K.R.Baduruszaman

ORDER

This writ petition has been filed to quash order of the second respondent in Se.Mu.No.AD6/83684/13(5), dated 23.06.2014 and the consequential impugned orders of the first respondent confirming the order of the second respondent in Se.Mu.AA.No.AD2/66070/2014 dated 10.01.2017 and Se.Mu.AA.No.AD4/42625/2017 dated 11.02.2019 and consequently, to direct the respondents to grant all service and monetary and other benefits.

2.Heard Mr.H.Arumugam, learned counsel for the petitioner and Mr.K.R.Baduruszaman, learned counsel for the respondents.

3.The petitioner was working as a Seat Assistant in the respondent Corporation. He was issued with a charge memo dated 31.12.2013 alleging that 466 metric ton of excessive load of rice had been sent to Tiruvallur due to the lack of supervision of the petitioner and he was imposed with the punishment of



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stoppage of increment for a period of one year without cumulative effect vide order dated 23.06.2014. Challenging the same, the petitioner preferred an appeal before the first respondent, who in turn had confirmed the order of punishment. The said orders of the respondents are put to challenge in this writ petition.

4.The learned counsel for the petitioner submitted that the petitioner is only a Seat Assistant and his duty is only to maintain the stock in the godown by making entries about the number of rice bags being despatched. The petitioner is in no way responsible for sending any excess load. However, the authorities without considering the explanation given by the petitioner, had passed the impugned orders.

5.Though the petitioner is consistently stating that he is not the person, who is responsible for the excess despatch of rice bags, none of the authorities appear to have been dealt with the above point in their respective orders. Even though the appellate authority has got limited scope in respect of the factual aspect of the charges, when the fact that the petitioner was not in charge of the alleged excess despatch is fundamental to the charges, the appellate authority has to necessarily look into that aspect. However, the same



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was not considered by neither of the authorities by making any discussion.

Hence, I feel it is appropriate to set aside the order of both the authorities and send the matter back to the appropriate authority.

6. Accordingly, the orders impugned in this writ petition are set aside and the matter is remitted back to the second respondent to consider the matter afresh on merits and pass appropriate orders in accordance with law by considering the submissions made by the petitioner and discussing the issue as to how the petitioner is still responsible for the alleged misconduct. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

01.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ta



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- To
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R.N.MANJULA, J.

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