



W.P.(MD) No.18614 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.18614 of 2020

and

W.M.P.(MD) No.15565 of 2020

N.Swaminathan

... Petitioner

Vs.

- 1.The Secretary,
Department of Food and Public Distribution,
Ministry of Consumer Affairs,
Krishi Bhavan, New Delhi – 110001.
- 2.The Managing Director,
M/s.Central Warehousing Corporation,
4/1, Siri Institutional Area,
August Kranti Marg,
Hauz Khas, New Delhi - 110016.
- 3.The Director (Personnel) & Disciplinary Authority,
Central Warehousing Corporation,
4/1, Siri Institutional Area,
August Kranti Marg,
Hauz Khas, New Delhi – 110016.
- 4.The Regional Manager,
Central Warehousing Corporation,



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Regional Office, Thiruvalluvar Illam,
4-5, North Avenue , Siri Nagar Colony,
Saidapet, Chennai - 600015.

5.The Area Manager,
Food Corporation of India,
Pudukottai Road,
Thanjavur, Tamil Nadu.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order passed by the 3rd respondent *vide* his proceedings in No.CWC/I-8706/Estt/359A, dated 23.11.2017 and quash the same and consequently direct the 2nd respondent to release a total sum of Rs.89,092,80/- (Rupees Eighty Nine Thousand Ninety Two and Eighty Paise Only) recovered from the petitioner's arrear of salary.

For Petitioner	:	Mr.Sethuram Sankara Thevar
For RR1 to 3	:	Mr.N.Ga.Natraj Government Advocate
For R4	:	Mr.R.Thirunavukkarasu
For R5	:	Mr.M.Kumar



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ORDER

This writ petition has been filed questioning the sanction order in proceedings No.CWC/I-8706/Estt/359A, dated 23.11.2017, wherein consequent upon the retirement of the petitioner on 31.07.2017 while sanctioning certain benefits in favour of the petitioner, Respondent No.2 ordered for recovery of an amount of Rs.89,092.80 being the amount recoverable under proceedings No.CWC-CD/IX-CW-Kumbakonam (Invest.)/2017-18, dated 06.09.2017 and proceedings No.TQC/L&G/Kumbakonam/2017-18/1078, dated 13.09.2017.

2. Through the said two proceedings, the petitioner was imposed with certain punishment and in view of superannuation of the petitioner, the amounts covered by the said proceedings are sought to be recovered from the amounts payable to the petitioner while passing the sanction order dated 23.11.2017. The petitioner challenges the said sanction order dated 23.11.2017 to the extent of ordering for recovery of an amount of Rs.89,092.80.



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3. On perusal of the material on record, it is noticed that the proceedings dated 06.09.2017 and 13.09.2017 issued against the petitioner imposing punishment, though appealed against, the same were confirmed by the appellate authorities and thereafter, the petitioner has not taken any steps to challenge the said proceedings any further. As the said proceedings are not challenged by the petitioner, the petitioner is not entitled to question the impugned recovery through the sanction order dated 23.11.2017. The recovery under the impugned proceedings is only consequential to the orders dated 06.09.2017 and 13.09.2017. So long the said orders are allowed to remain, the petitioner is not entitled to question the impugned recovery under any circumstances. In the circumstances, this Court does not find any merit in the writ petition and the same is accordingly, dismissed. However, it is left open to the petitioner to take appropriate steps against the proceedings dated 06.09.2017 and 13.09.2017 in accordance with law.

4. At this stage, learned counsel for the petitioner sought liberty to submit a representation afresh before the respondent authorities seeking



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sympathetic consideration of the case of the petitioner and also sought indulgence of this Court to direct the respondents to consider the said representation. In the light of the above, the petitioner is granted liberty to submit representation as desired within a period of four weeks from the date of receipt of a copy of this order and if any such representation is submitted within the time stipulated, then the respondents shall consider the same and pass appropriate orders in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

23.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

Note: Issue order copy by 26.02.2024.

ABR



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MUMMINENI SUDHEER KUMAR, J.

ABR

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