



WP(MD) No.18769 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18769 of 2024

and

W.M.P.(MD) No.15886 of 2024

G.Kalidass

... Petitioner

Vs.

1.The Commissioner,
Tuticorin Corporation,
Tuticorin.

2.The Assistant Commissioner,
West Region,
Tuticorin District.

... 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 suspension order passed by the 1st respondent in C1/2258/2024 dated 11.06.2024 and the consequential impugned recovery order passed by the 2nd respondent in C1/001240/Me.Ma dated 21.06.2024 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner in service



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by considering his explanation dated 09.07.2024 and pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.N.Anandha Raj
Standing Counsel

ORDER

This writ petition has been filed challenging the suspension order dated 11.06.2024 passed by the first respondent and the consequential impugned recovery order dated 21.06.2024 passed by the second respondent with consequential direction to reinstate the petitioner into service by considering his explanation dated 09.07.2024.

2. Heard the learned counsel on either side. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Office Assistant in the second respondent office on 06.12.2021 and he was assigned to the work of



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Incharge to the post of Revenue Assistant through the proceedings of the first respondent dated 10.04.2023, which was later withdrawn by the proceedings of the first respondent dated 10.06.2024. On the very next day, ie., on 11.06.2024, he was suspended from service stating that he has retained the amount collected by him towards parking charges and thereby, committed misappropriation, pursuant to which, the impugned order of recovery was passed for a sum of Rs.5,95,558/- towards loss committed by the petitioner to be paid by him within a period of seven days, failing which, the disciplinary action and criminal action would be taken against the petitioner.

4. The learned counsel appearing for the petitioner submitted that the impugned order has been passed without even giving any opportunity to the petitioner and hence, the impugned orders are liable to be set aside.

5. It is seen from the records that even without issuing any notice or giving any opportunity to the petitioner, the impugned order of recovery has been passed and hence, there is violation of principles of



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natural justice and the impugned order of recovery dated 21.06.2024 passed by the second respondent is liable to be set aside. Insofar as the suspension order is concerned, it is for the petitioner to work out his remedy before the authorities concerned.

6. In the result, this writ petition is partly allowed and the impugned order of recovery dated 21.06.2024 passed by the second respondent alone is set aside. The matter is remanded back to the file of the second respondent to deal with the matter afresh after giving due opportunity to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

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

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To

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Tuticorin Corporation,
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- 2.The Assistant Commissioner,
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R.N.MANJULA, J.

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Order made in
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