



W.P.Nos.17544 and 17545 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.17544 and 17545 of 2013

Judgment reserved on 03.04.2025	Judgment pronounced on 02.06.2025
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V.Selvarasu

...Petitioner in both cases

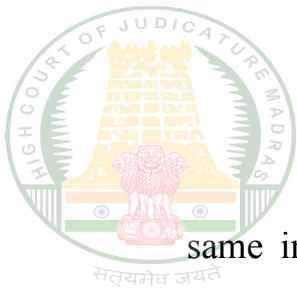
.....Vs.....

1.The General Manager (Administration)
Tamil Nadu Civil Supplies Corporation,
Head Office,
12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

2. The Regional Officer,
Office of Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Chennai South,
Chennai - 600 086.

.....Respondents in both cases.

Prayer in W.P.No.17544 of 2013:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the order of the 1st respondent in Proceedings Proc.No.AGRI/29576/13, dated 27.05.2013 and quash the



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same in so far as the recovery of Rs.2,39,340/- from EL encashment and consequently direct the respondents to disburse the same.

Prayer in W.P.No.17545 of 2013:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the order of the 1st respondent in Se.Mu.Or.No.AT/5/54762/2012, dated 06.09.2012 and quash the same and consequently direct the respondents to give consequential benefits.

For Petitioner : Mr.S.S.Swaminathan in both cases

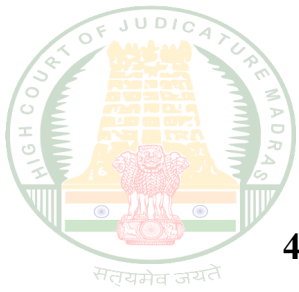
For Respondents : Mr.S.Senthilkumar in both cases

COMMON ORDER

W.P. No. 17544 of 2013 is filed to quash the order of the first respondent dated 27.05.2013, insofar as it pertains to the recovery of Rs. 2,39,340/- from the Earned Leave (E.L.) encashment, and to direct the respondents to disburse the same. Meanwhile, **W.P. No. 17545 of 2013** is filed to call for the records of the order passed by the first respondent dated 06.09.2012, to quash the same, and to direct the respondents to provide the consequential benefits. .

2. For the sake of convenience, the order passed in W.P.No.17545 of 2016 will govern the field.

3. A counter has been filed by the second respondent.



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4. The brief facts leading to the filing of the above two writ petitions

are as follows:

(i) The petitioner has filed the present writ petition with a prayer to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent in Se.Mu.Or.No.AT/5/54762/2012, dated 06.09.2012, and to quash the same. Consequently, the petitioner seeks a direction to the respondents to grant consequential benefits.

(ii) The petitioner, V. Selvarasu, Writ Petitioner herein, was appointed as an Assistant Quality Inspector in the respondent Corporation on 04.11.1993 at the Tanjore Region.

(iii) The petitioner was promoted to the position of Quality Inspector on 19.06.2009 and posted in the Tanjore Region. He was later transferred to the Salem Region and joined duty on 19.05.2010. On 14.06.2011, the petitioner was transferred and posted to the Chennai South Region. From 15.06.2011 onwards, the petitioner has been working in the Chennai South Region as the CWC Chrompet Godown Incharge / Godown Superintendent. As the Godown Incharge, the petitioner was the custodian of the stocks in the godown and was responsible for maintaining and accounting for the stocks

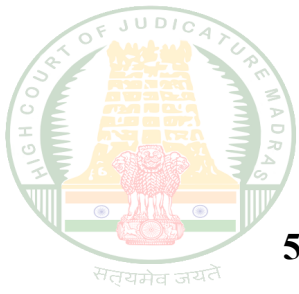


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without any omission or commission. He was also required to ensure that the stocks were correctly managed without any shortages or excess. If any shortages or excess were noticed during the inspection, the Godown Incharge would be held responsible.

(iv) On 20.07.2012, while the petitioner was in charge of the godown, a special team from the Regional Office conducted a surprise inspection at the CWC godown in Chrompet and detected the following shortages/excess, as detailed below:

S.No.	Variety	Stack No	Shortages		Excess	
			Bags	Weight (Kgs)	Bags	Weight (Kgs)
1	BRA	B7/203	275	13,750	--	--
2	BRA	D12/8	12	600	--	--
3	BRA	F10/32	1	50	--	--
4	BRA	G11/62	10	500	--	--
5	BRA	G3/60	10	500	--	--
6	BRA	--	--	---	25	1,250

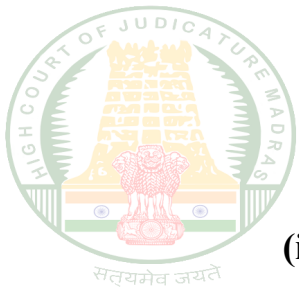


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5.(i) The value of the shortages amounted to Rs. 3,23,400/-, for which the petitioner and other staff members in the godown were held responsible.

As a result, the petitioner was placed under interim suspension on 23.07.2012. According to the records, the petitioner was not entitled to any charge on that ground and had worked in the godown until 27.03.2012. In view of the above misconduct and the shortage of materials in the Civil Supplies Corporation, charges were framed against the petitioner under the major penalty procedure as stipulated in the TNCSC Employees Service Rules. Due to the pendency of the disciplinary proceedings, the petitioner was not allowed to retire from service on 31.08.2012 but was retained in service.

(ii) As per the provisions laid down in the Corporation Employees Service Regulations, charges were framed after receiving the explanation from the petitioner. A domestic enquiry was conducted, and the petitioner was given full opportunity to defend himself during the enquiry. The enquiry report was communicated, and further explanation on the report of the Domestic Enquiry Officer was obtained from the petitioner.



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(iii) After examining the charges along with the explanation, the report of the Domestic Enquiry Officer, and the further explanation submitted by the petitioner, the first respondent disposed of the charges by inflicting the punishment of stoppage of increment for six months with cumulative effect, as per the order dated 06.09.2012.

(iv) The terminal benefits, including ECPF (Rs. 5,41,859/-) and Gratuity (Rs. 3,37,857/-), were disbursed to the petitioner.

(v) While disposing of the charges against the petitioner, the first respondent categorically stated in the final order dated 06.09.2012 that the loss caused to the Corporation had to be recovered from the concerned employees. The Regional Manager, Chennai (South), was requested to deduct the amount from the concerned employees.

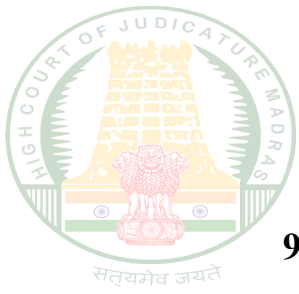
6. Accordingly, the impugned order, whereby the loss caused to the Civil Supplies Corporation has been assessed and apportioned from the concerned employees, with the stoppage of increment for six months with cumulative effect, was issued. Furthermore, recovery was also ordered, and this is the subject matter of W.P.No.17545 of 2013.



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WEB COPY 7. W.P.No.17544 of 2013 is for the return of the amount, wherein the shortage caused by the petitioner to the Corporation, amounting to Rs.2,39,340/-, was to be recovered from the Earned Leave encashment payable to the petitioner, and the same is the subject matter of the present writ petition.

8. The petitioner was reinstated in service until the Domestic Enquiry was completed, as per Chapter I, Rule 13 (B&C) of the Tamil Nadu Civil Supplies Corporation Employees Services Regulations. The petitioner was retained in service until the enquiry was concluded, as can be seen from the records produced by the respondents. The enquiry report dated 22.08.2012 was filed in the typed set of papers, and I have perused the same. The explanation offered by the delinquent is also taken into account. Additionally, the further explanation filed by the delinquent regarding Charge No. III is also noted.

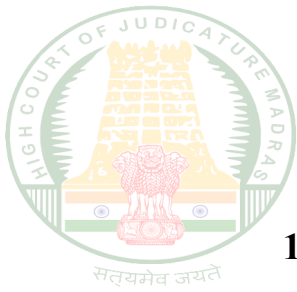


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9. As per the order of the Regional Manager, the Deputy Manager (Accounts) and the Assistant Manager (Quality Control) conducted a surprise inspection on 20.07.2012 at the Chrompet godown, which functions under the Tamil Nadu Civil Supplies Corporation, Chennai South Region. During the inspection of all stacks, 6 stacks were found with a shortage of 308 bags of gunny bags, 21 stacks had an excess of 119 bags, and 25 bags were kept separately and were not accounted for in the godown records. The delinquent, in his explanation, stated that the defects occurred because the loaders did not perform their work properly, which clearly indicates that he was not acting responsibly. Furthermore, the delinquent himself accepted the defects. Hence, as per the enquiry officer's report, this charge is proved.

10. Findings with regard to Charge No.2:

As a godown in-charge, it is the duty of the godown in-charge to properly monitor the godown. Since it is clear that the delinquent acted without verifying the veracity of the demand and without scrutinizing the rules of the corporation, as per the report of the enquiry officer, this charge is proved.



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11. Findings with regard to Charge No.3:-

WEB COPY The delinquent, in his explanation, stated that because the staff working in the godown were assigned their respective tasks, 120 stacks were arranged in the godown, and approximately 9500 MT was obtained and handled from time to time. However, if the Point Clerk had performed his duties properly, he could have maintained the correct number of stocks as per the stock book, without any shortages or excess in the 27 stacks. Since the Point Clerk did not perform his duties correctly, the excess/shortage of stocks occurred, and 25 bags were kept separately.

12. Accordingly, the enquiry officer has held that the charges are proved, and the report of the enquiry officer has been accepted by the Disciplinary Authority, permitting the delinquent officer to file an appeal within the stipulated time.

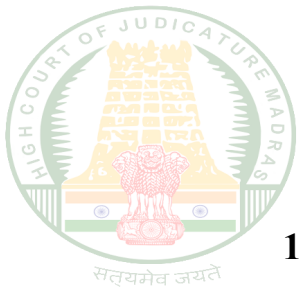
13. After reviewing the enquiry report, I find that a proper and fair opportunity was given to the delinquent officer to present his case, and the enquiry has been completed in accordance with the principles of natural



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justice. The reasons assigned by the appointing authority for accepting the report of the enquiry officer cannot be faulted.

14. Pursuant to the order passed by this Court, details of the recovery in Nagapattinam Region, Salem Region, Thanjavur Region, and Chennai South Region were filed in the typed set of papers, consisting of Page No. 268, and were submitted to this Court. Therefore, I find that the charges against the petitioner have been duly proven in the domestic enquiry, as evidenced by the enquiry report. The enquiry was conducted properly, and since the charges have been proved to the extent of the amount mentioned therein, a stoppage of increment for six months with cumulative effect was imposed, and recovery was ordered accordingly. A sum of Rs. 2,39,340/- was recovered after apportionment between all the employees, and other terminal benefits like Capital ECPF (Rs. 5,41,859/-) and gratuity (Rs. 3,37,857/-) were disbursed to the petitioner. It is only after the receipt of these amounts that the above writ petition appears to have been filed, and hence, the contention raised by the learned counsel for the petitioner that the petitioner has not received the terminal benefits cannot be upheld.



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15. It is needless to say that on 20.07.2012, a special team from the Regional Office conducted a surprise inspection at the CWC godown in Chrompet. At the time of the inspection on 20.07.2012, the petitioner was in charge of the godown, and the inspection was conducted in his presence. The petitioner agreed and signed the PV (Panchanama) statement on 20.07.2012. The petitioner continued to work at the godown until 23.07.2012.

16. It is the duty of the petitioner, who is in charge of the godown (i.e., the custodian of the stock), to render accounts properly without any shortages or excesses. If excess stock is noticed, it is the duty of the petitioner to account for it in the godown records. However, he failed to do so, and the excess stock noticed by the inspection team was placed in a separate location without being assigned any stack number, and it was not included in the godown account.

17. The petitioner served in the godown from 15.06.2011 to 23.07.2012, for a period of more than a year. During his tenure, the petitioner did not report incidents of nearly 105 kgs short for every lorry supply of rice from FC1.



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18. Hence, both on law as well as on facts, the Enquiry Officer has conducted the enquiry in a proper manner and concluded that the charges are proved. I find no reason to differ with the report of the enquiry officer, which has been accepted by the second respondent. Therefore, I find that W.P.No.17545 of 2013 is devoid of merit and is liable to be dismissed.

19. Accordingly, ***W.P.No.17545 of 2013 is dismissed.*** Consequently, ***W.P.No.17544 of 2013 stands dismissed.*** No costs.

02.06.2025

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Index : Yes / No

Neutral Citation : Yes/No

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RMT.TEEKAA RAMAN, J.

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order in
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