



W.P.No.110007 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.11007 of 2018

R.Subramaniam
S/o. Rama Naicker,
103, Bharathi Street,
Sivagiri 638 109,
Erode District.

... Petitioner

Vs.

1. The District Collector,
Erode,
Erode District.

2. The Tahsildar,
Kodumudi,
Erode District.

3. The Superintendent of Post,
Department of Post,
Erode Division,
Erode – 638 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records on the file of the first respondent in Na.Ka.No.14622/2016/E2, dated 31.03.2017 and quash the same.

For Petitioner : Mr.P.Kannan Kumar



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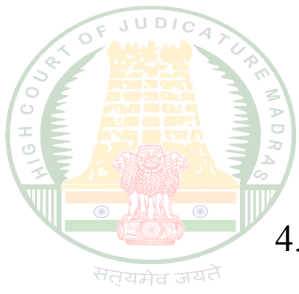
For R1 & R2 : Mr.A.M.Ayyadurai
Government Advocate
For R3 : Mr.Kumaraguru
SPC

ORDER

The petitioner has filed this writ petition challenging the orders of the first respondent in Na.Ka.No.14622/2016/E2, dated 31.03.2017.

2. The petitioner was employed in temporary post of Branch Post Master in the Postal Department and he was working on a consolidated pay. A complaint was lodged by the third respondent against the petitioner stating that he had misappropriated the monthly savings scheme fund. In this regard a criminal case has been registered against the petitioner in Cr.No.11 of 2016 under Section 409, 477A, 468, 471, 109 IPC. Now the grievance of the petitioner is that even while the criminal proceedings are pending, the recovery proceedings have been initiated by the first respondent at the request given by the third respondent.

3. Mr.Kumaraguru, the learned counsel for the third respondent, submitted that the disciplinary proceedings initiated against the petitioner got completed by finding that the petitioner is guilty of misappropriation.



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4. It is seen that the enquiry report itself has been filed on 03.06.2019 by arriving at a conclusion that the petitioner had caused financial loss and tarnished the image of the department by committing misappropriation of the savings fund. But on the face of it, it appears that the recovery order has been issued as early as on 31.03.2017 even before getting the inquiry report on the allegations of misappropriation. As the impugned order dated 31.03.2017 is a prematured one, I feel it is liable to be set aside. However, that will not take away the rights of the third respondent from initiating fresh recovery proceedings after giving notice to the petitioner subsequent to the findings of the inquiry officer given in his report dated 03.06.2019.

5. In view of the above observation, this Writ Petition is allowed and the order of the first respondent in Na.Ka.No.14622/2016/E2, dated 31.03.2017, is hereby set aside. No costs.

05.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

bkn

To:

1. The District Collector,
Erode,
Erode District.
2. The Tahsildar,
Kodumudi,
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