



W.P.No.3807 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.3807 of 2018
and W.M.P.No.4636 of 2018

S.Gandhi,
S/o.Samikannu,
No.265, Main Road,
Pasungarai Village,
Rajapalayam Post,
Kilpennathur Taluk,
Thiruvannamalai District.

... Petitioner

Vs.

Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Rep. by the District Manager,
TASMAC Limited,
Thiruvannamalai District,
Kanathampoondi Village,
Pandithapet Post,
Thiruvannamalai – 3.

... Respondent

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 relating to order of recovery passed by the respondent vide Na.Ka.R.V.5/5625/2017 dated 06.11.2017 and quash the same, consequently direct the respondent to repay the security deposit of Rs.50,000/- along with interest to the petitioner.



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For Petitioner : Mr.V.Sivaraman

For Respondent : Mr.Balakrishnan

WEB COPY

ORDER

The petitioner has filed this writ petition challenging the order of recovery passed by the respondent vide Na.Ka.R.V.5/5625/2017 dated 06.11.2017 and consequently direct the respondent to repay the security deposit of Rs.50,000/- along with interest to the petitioner.

2. The petitioner was appointed as a Shop Supervisor in Shop No.9481 in the respondent corporation on 01.01.2004. Thereafter, he worked in various shops in Thiruvannamalai District for more than nine years. Later the petitioner had applied to the post of 'P.G. Assistant' called for by the Tamil Nadu Public Service Commission (TNPSC) and got appointed as 'P.G.Assistant' in the Government Higher Secondary School and presently posted at Government Higher Secondary School, Rayandarapuram, Thiruvannamalai. At the time when the petitioner joined the respondent corporation he was asked to pay a security deposit of Rs.50,000/-. After he left the corporation and joined as Teacher, he sent an application to the corporation on 11.05.2015 seeking to refund the caution deposit of Rs.50,000/- deposited by him. The respondent sent the impugned letter dated 06.11.2017 stating that the petitioner has to pay



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the damages to the tune of Rs.1,98,290/- for the loss caused by him while he was working in the Corporation.

3. Mr.V.Sivaraman, the learned counsel for the petitioner, submitted that the petitioner did not cause any loss to the corporation and the above letter has been given without any basis and without any opportunity to the petitioner to be heard.

4. Mr.Balakrishnan, the learned counsel for the respondent, submitted that the petitioner did not get prior permission or no objection from the District Manager, TASMACH, before he joined in some other service. It is further submitted that the petitioner had caused loss to the respondent corporation to the tune of Rs.1,98,290/- and after having appropriated his caution deposit of Rs.50,000/-, against the said amount, the petitioner is liable to pay the sum of Rs.1,48,290/- towards damages.

5. Despite the petitioner left the respondent corporation as early as on 25.04.2013, the respondent did not send any demand stating that the petitioner is due to pay a hefty sum of Rs.1,48,290/- towards damages and that he is not entitled to get back the caution deposit of Rs.50,000/- deposited by him. Only



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after the petitioner had sent the application to the respondent for claiming the

security deposit, the respondent has sent the impugned letter on 06.11.2017.

Even in the said letter there are no details with regard to the loss caused by the petitioner and how the sum of Rs.1,98,290/- was worked out.

6. Apparently the petitioner was not given with any notice in order to make his submission on any demand for the damages. The impugned letter dated 06.11.2017 appears to have been issued in a callous manner after the petitioner raised a demand for refund of the security deposit and in violation of principles of natural justice. At no point of time the petitioner has been fixed with any liability for having caused any specific damage in the respondent corporation. Hence, I feel the respondent should be issued with appropriate directions.

7. In the result, the Writ Petition is allowed and impugned order passed by the respondent vide Na.Ka.R.V.5/5625/2017 dated 06.11.2017 is hereby set aside. The petitioner is at liberty to make a fresh representation to the respondent to get back the caution deposit of Rs.50,000/- deposited by him within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same the respondent shall disburse the caution deposit of



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Rs.50,000/- deposited by the petitioner within a period four weeks thereafter.

WEB Filing which the above sum shall carry interest at the rate of 6% from the date of order till the date of realisation. No costs. Connected miscellaneous petition is closed.

07.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To:

The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
TASMAC Limited,
Thiruvannamalai District,
Kanathampoondi Village,
Pandithapet Post,
Thiruvannamalai – 3.



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R.N.MANJULA, J.

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