



WEB COPY

W.P.No.18936 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE T.VINOD KUMAR

W.P.No.18936 of 2019

K.M.Sadheesh

...

Petitioner

Vs

The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
Erode District,
Tamil Nadu.

...

Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records of the respondent pertaining to the impugned order passed by the respondent bearing reference Na.Ka.No.1655/2015/R.1, dated 18.07.2018, quash the same and consequently direct the respondent to reinstate the petitioner in service with continuity of service and all other attendant benefits.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.M.Sekar,
Standing Counsel.



W.P.No.18936 of 2019

WEB COPY

ORDER

The petitioner, by the present Writ Petition, has assailed the action of the respondent in issuing the proceedings bearing Reference No.Na.Ka.1655/2015/R.1, dated 18.07.2018, whereby the respondent has sought to recover an amount of Rs.14,19,131/- from the petitioner, stating, it is illegal and arbitrary, and for a consequential direction to quash the same.

2. Heard Mr.P.R.Thiruneelakandan, learned counsel for the petitioner, and Mr.M.Sekar, learned Standing Counsel for the respondent.

3. The case of the petitioner in brief is that while he was working as Supervisor in Tasmac Retail Shop bearing No.3503 at Erode and was on leave on 19.12.2012, on 20.12.2012, an inspection was conducted at the said shop premises, whereat the inspecting authority found shortage of goods worth Rs.6,24,250/-; and that the petitioner and two co-employees working as Salesman and Assistant Salesman were relieved from service vide an order, dated 21.12.2012.

4. It is the further case of the petitioner that assailing the said action of the respondent in relieving the petitioner from the service of the respondent, he had approached this Court by filing a writ petition vide W.P.No.37909 of 2015, and, this Court, by an order, dated 27.02.2018, by



W.P.No.18936 of 2019

WEB COPY

setting aside the order impugned therein, directed reinstatement of the petitioner.

5. It is also the stand of the petitioner that despite this Court setting aside the impugned order, whereby the petitioner was relieved from the service of the respondent, the respondent has issued the impugned proceedings, seeking to recover the amount mentioned therein from the petitioner, without causing any inquiry to determine the amount due as directed by this Court in the aforesaid order as well as the amount of loss, that is said to have been suffered by the respondent, not being apportioned among the petitioner and two other co-employees.

6. It is also contended by the petitioner that the petitioner had deposited an amount of Rs.1,63,333/- into the account of the respondent on 26.02.2013, in addition to the amount of Rs.50,000/- which was kept as deposit being adjusted.

7. The petitioner would further contend that if the amount being claimed in respect of the shortfall of goods and loss suffered by the respondent is apportioned among the petitioner and two other co-employees, the amount paid by the petitioner and the available deposit made by the petitioner, if apportioned, the same would suffice the share of loss to be made good by the petitioner and the petitioner would stand discharged; and that since the co-



W.P.No.18936 of 2019

employees did not make payment, the said amount cannot be recovered from the petitioner; and, as such, the impugned order is illegal.

8. Per contra, learned Standing Counsel, appearing on behalf of the respondent, submits that the petitioner was Supervisor of Tasmac Retail Shop No.3503 and was thus responsible for the overall running of business of the shop, including maintenance of stocks and accounts of the sale proceeds.

9. On behalf of the respondent, it is contended that upon inspection on 20.12.2012, the authorities, noting shortfall of stocks to an extent of Rs.6,24,150/-, had taken action to relieve the petitioner and two other co-employees from the services of the respondent; and that the petitioner assailed the aforesaid order of relief by approaching this Court by filing a writ petition, wherein, on behalf of the respondent, on being informed to the Court that in the event of loss that was suffered by the respondent being paid along with interest, the authority would take a lenient view, this Court was pleased to set aside the order of relieving the petitioner.

10. It is further contended on behalf of the respondent that despite this Court setting aside the relieving order and directing reinstatement, the petitioner did not come forward to make good the loss suffered by the respondent and, on the other hand, he is claiming that the loss



W.P.No.18936 of 2019

WEB COURT

suffered by the respondent is to be apportioned among the petitioner and the co-employees, which cannot be accepted.

11. The respondent also contended that since the petitioner was Supervisor, he was responsible for all the consequences arising out of the loss suffered by the respondent and since the petitioner did not make good the deficit amount along with interest, the impugned proceedings have been issued, seeking recovery of the amount, which is in accordance with the order passed by this Court in the aforementioned writ petition.

12. I have taken note of the submissions of the parties.

13. Though on behalf of the petitioner it is vehemently contended that the shortfall amount is to be recovered from the petitioner and two other co-employees, firstly, it is to be noted that the petitioner, while acting as Supervisor and In-charge of the respondent Retain Shop No.3503, would be responsible for all the consequences arising out of any shortfall or deficit in stock and also the consequential monetary loss.

14. Further, the petitioner, having approached this Court, assailing the order of the respondent in relieving him from service, and this Court while setting aside the order by accepting the submission of the respondent that in the event of the loss being made good by the petitioner, the authorities would take a lenient view, the petitioner, instead of abiding by the



W.P.No.18936 of 2019

WEB COPY

said order of this Court, has adopted hyper-technical approach, by contending that the loss is to be apportioned among the petitioner and other co-employees. The said approach/attitude of the petitioner needs to be deprecated, as being contrary to the observations made by this Court in the earlier Writ Petition. The petitioner, having approached this Court earlier, and this Court having passed the order by considering the overall circumstances, this Court is of the view that the petitioner cannot be allowed to raise new pleas, like apportionment of loss among him and two others or loss being not determined and so on and so forth.

15. In view of the above, the present Writ Petition is devoid of merit and dismissed. No costs.

30.10.2025

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

dixit

To:

The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
Erode District,
Tamil Nadu.

Page 6 of 7



WEB COPY



W.P.No.18936 of 2019

T.VINOD KUMAR, J.

dixit

W.P.No.18936 of 2019

30.10.2025