



W.P. Nos. 2959 and 2960 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. Nos. 2959 and 2960 of 2018

M.S.A.Sirajudeen

... Petitioner in both W.P.s

-VS-

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Chairman and Managing Director,
No.12, Thambusamy Road, Kilpauk,
Chennai – 600 010.
2. The General Manager (Admn),
The Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk,
Chennai – 600 010. ... Respondents 1 and 2 in both W.P.s
3. The Regional Manager,
The Tamil Nadu Civil Supplies Corporation,
Erode. ... Respondent 3 in W.P. No. 2960 of 2018

Prayer in W.P. No. 2959 of 2018:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records on the file of the second respondent dated 30.06.2015, bearing ref: SE MU.No.AD7/75813/10(2) and the first respondent dated 04.03.2017 bearing Ref No. Se.Mu.A No.AD1/51196/2015 and quash the same.

Prayer in W.P. No. 2960 of 2018:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified



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Mandamus, calling for the records on the file of the first respondent dated 03.04.2017 bearing ref No. Se.Mu.A. No. AE7/25017/2011 and quash the same and consequently direct the respondents to pay the salary for the period of retention from 01.09.2011 to 16.08.2015, after deducting the amount paid towards subsistence allowance.

For Petitioner : Mr. R.Saravanan
for Mr. T.Sai Krishnan (in both W.Ps.)

For Respondents : Mr.C.Selvaraj (in both W.P.s)

COMMON ORDER

The writ petition in W.P. No. 2959 of 2018 has been filed to call for the records of the second respondent dated 30.06.2015 in Ref. SE Mu.No.AD7/75813/10(2) and the first respondent dated 04.03.2017 in Ref. No.SE.MU.A.No. AD1/51196/2015 and to quash the same. The writ petition in W.P. No. 2960 of 2018 has been filed to call for records of the first respondent dated 03.04.2017 in Ref.No.SE.MU.A.No.AE7/25017/2011 and quash the same and consequently, direct the respondents to pay the salary for the period of retention from 01.09.2011 to 16.08.2015, after deducting the amount paid towards subsistence allowance.

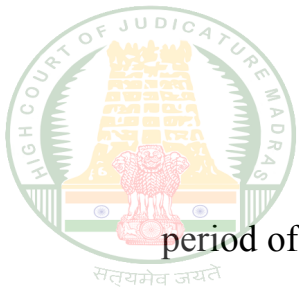


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WEB 2.0 Heard Mr.R.Saravanan for Mr.T.Sai Krishnan, learned counsel for the petitioner and Mr.C.Selvaraj, learned counsel for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The learned counsel for the petitioner submitted that the petitioner, who was working as Deputy Regional Manager, has attained the age of superannuation on 31.08.2011. At the verge of his retirement, he was placed under suspension on 24.08.2011 in view of disciplinary action against the grave charges. On 07.04.2014, he was given with the charge memorandum issued by the first respondent stating that he was misappropriated funds to the tune of Rs.2,70,21,586.50/- in paying incentives to the farmers and was booked under particular Part V, Section 4 Annexure – 1 of Tamil Nadu Civil Supplies Service Rules.

4. The petitioner was issued with a charge memo after a period of two and half (2 ½) years from the date of his suspension. After he submitted his explanation, disciplinary proceedings have been initiated and at the conclusion of the enquiry, it is held that the charges against the petitioner was proved and thereafter, he was imposed with the punishment of stoppage of increment for a



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period of three years with cumulative effect.

5. The learned counsel for the petitioner further submitted that the enquiry officer has filed his report without examining any witnesses and without appreciating the explanations submitted by the petitioner. He further submitted that the petitioner did not play any role with regard to the allegations and the said fact was also overlooked by the enquiry officer. The disciplinary authority imposed punishment, but he did not appreciate the above lapses in the enquiry report and the appellate authority also failed to appreciate the grounds of appeal raised by the petitioner.

6. The learned counsel for the respondents submitted that the petitioner was working as a Deputy Regional Manager, who was the appropriate authority to grant approval for procurement of paddy and during the enquiry itself, he was aware of the fact that the paddy cannot be procured outside the State. It is further stated that the bogus purchase vouchers have been shown in order to misappropriate the incentives meant for the farmers.

7. On perusal of the enquiry report, it is seen that the enquiry officer has perused certain records, where the petitioner has affixed his signature in the files pertaining to the allegations. The petitioner being the Deputy Regional



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Manager would naturally sign the files for disbursing the amount towards procuring paddy. During that course, it is obligatory on his part to peruse the files in order to disburse the amount for procurement of paddy in accordance with the guidelines and regulations given in this regard.

8. Even though the petitioner has stated that he did not recommend for disbursement of the advancement of purchase, he has stated that he had perused file notes put up by the commercial section and he also affixed his signature. So the contention of the petitioner is that he did not make any personal recommendation and whatever he has done was only through the file movement. That alone cannot be the explanation of the petitioner for the alleged scam involving exorbitant sums. But there are certain lapses found during the enquiry process and that has been recorded by the enquiry officer. While exercising jurisdiction under Article 226 of the Constitution, the Court cannot re-appreciate the evidence for giving a different interpretation for the evidence submitted during the enquiry proceedings.

9. The learned counsel for the respondents submitted that in the charge sheet itself, the list of documents relied on by the department have been furnished and hence, the petitioner cannot state that the enquiry has been done



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without any support of materials.

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10. The petitioner has stated in his reply given to the second show cause that he was not given with any documents. It is seen in his explanation that he offered his explanation by perusing the document. So non-furnishing of documents cannot be claimed as a violation of right when the petitioner was allowed to peruse those documents.

11. The punishment order dated 30.06.2015 is very exhaustive and inclusive of the petitioner's explanation, but in the appeal filed by the petitioner also, he has raised various grounds of appeal, the order of the appellate authority has simply reiterated the charges and the explanations given by the petitioner and the order passed by the disciplinary authority was confirmed.

12. So, I feel that W.P. No. 2959 of 2018 can be partly allowed only in respect of remanding the appeal to the appellate authority by setting aside the order passed by the appellate authority to reconsider and pass orders on merits after appreciating the grounds raised by the petitioner in his appeal memorandum. It is needless to state that in the event of setting aside the order of punishment, the amount which has already been deducted from the



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petitioner's terminal funds towards the implementation of the punishment

WEB would have to be refunded. Insofar as W.P. No. 2960 of 2018 is concerned, the

petitioner has raised another claim that he is entitled to salary for the period subsequent to his date of attaining the age of superannuation just because he was kept under suspension. It is not disputed by the petitioner that he was paid with subsistence allowance during his period of suspension. There is no service rule entitling an individual to get the salary subsequent to his date of superannuation just because he was kept under suspension. Hence, W.P. No. 2960 of 2018 is dismissed. No costs.

27.03.2025
(1/2)

Index: Yes/No

Index: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Chairman and Managing Director,
No.12, Thambusamy Road, Kilpauk,
Chennai – 600 010.
2. The General Manager (Admn),
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R.N.MANJULA, J.

Maya

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(1/2)**