

**WP(MD)No.6899 of 2018**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**Dated: 16 .05.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.6899 of 2018  
and  
WMP(MD)No.6627 of 2018**

**P.Soundarapandi**

**... Petitioner**

**Vs**

**1.The Board of Directors,  
Tamil Nadu Civil Supplies Corporation,  
12, Thambusamy Road,  
Kilpauk, Chennai – 600 010.**

**2.The Managing Director,  
Tamilnadu Civil Supplies Corporation,  
12, Thambusamy Road,  
Kilpauk, Chennai – 600 010.**

**3.The Secretary to Government,  
Co-Operation Food and Consumer Protection  
(F1) Department,  
Secretariat, Chennai.**

**[R3 is suo motu impleaded vide order  
dated 08.01.2025]**

**... Respondents**

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the



**WP(MD)No.6899 of 2018**

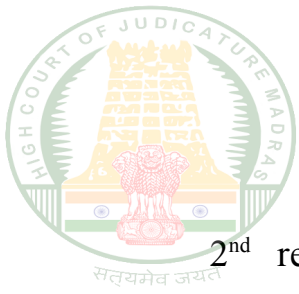
records relating to the impugned order passed by the 1<sup>st</sup> respondent in his proceedings in Se.Mu.Anai.En.AD2/10730/2016, dated 22.12.2017 and that of the 2<sup>nd</sup> respondent's proceedings in Se.Mu.Anai.En.AD7/17205/2015, dated 06.01.2016 and quash both orders and consequently directing the respondents herein to regularise the petitioner's period of suspension from 13.05.2015 to 11.01.2016 as duty period and allow the petitioner to draw all other attendant benefits.

For Petitioner : Mr.D.Srinivasa Raghavan

For Respondents : Mr.Raja Karthikeyan

### **ORDER**

The petitioner was a Regional Manager of the respondent Civil Supplies Corporation. He retired from service on attaining the age of superannuation on 30.06.2017. While he was in service as Regional Manager of Ramanathapuram region, disciplinary proceedings was initiated against him by issuing a charge memo on 24.04.2015. Subsequently by the proceedings of the 2<sup>nd</sup> respondent dated 06.01.2016, the petitioner was imposed with a punishment of censure and the suspension period was treated as leave on loss of pay. As against the punishment dated 06.01.2016 imposed by the disciplinary authority /



**WP(MD)No.6899 of 2018**

2<sup>nd</sup> respondent, the petitioner has preferred an appeal before the Director / 1<sup>st</sup> respondent on 04.03.2016. The 1<sup>st</sup> respondent rejected the appeal and confirmed the punishment imposed by the 2<sup>nd</sup> respondent. Therefore this writ petition has been filed as against the orders of the disciplinary authority dated 06.01.2016 and the orders of the appellate authority dated 22.12.2017 and for a consequential relief to regularise the period suspension from 13.05.2015 to 11.01.2016.

2.The learned counsel for the petitioner submits that the petitioner was a Regional Manager. A fraud was committed in four paddy procurement centres in Ramanathapuram region. As a Regional Manager, he cannot supervise the entire procurement centres in the region. The disciplinary proceedings was initiated based on the media reports on the issue and he was imposed with a punishment. According to the learned counsel for the petitioner there were 39 direct procurement centres within his region during the relevant time and it is humanly not possible for the Regional Manager to monitor all the procurement centres functioning within the region.

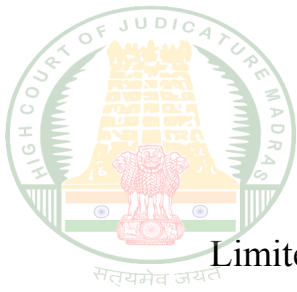


**WP(MD)No.6899 of 2018**

WEB COPY

3.The learned counsel for the petitioner further submits that the charge memo was issued to the petitioner on 24.04.2015 based on the news paper report on 02.04.2015. He offered his explanation on 12.05.2015. However he was placed under suspension on 13.05.2015 to 11.01.2016. The enquiry officer submitted his report on 06.08.2015 holding all the charges levelled as against the petitioner proved. The 2<sup>nd</sup> respondent therefore has issued second show cause notice to the petitioner on 15.10.2015 to submit his explanation and imposed a punishment of censure and the suspension period was treated as leave on loss of pay. This according to the learned counsel is a double punishment.

4.The learned counsel by referring chapter V of the Tamil Nadu Civil Supplies Corporation Limited Employees Service Regulations, 1989 submits that in the event of punishment other than removal, dismissal or compulsory retirement imposed on the delinquent officer, the period of suspension has to be treated as duty period. Therefore, according to the learned counsel for the petitioner, the petitioner was imposed with a punishment of censure and it is not a major punishment, therefore, as per Chapter V of the Tamil Nadu Civil Supplies Corporation



**WP(MD)No.6899 of 2018**

Limited Employees Service Regulations, 1989, the suspension period of this petitioner has to be treated as duty period.

5.The learned counsel for the respondent Civil Supplies Corporation submits that the petitioner was the Regional Manager of Ramanathapuram region, where a very big fraud was committed in procurement of paddy and the following irregularities were found:

“i.The petitioner failed to inspect the direct purchase Centres at Mangalkudi, Santhakulam and Vaigai during the procurement season and has also failed to control usage of records, which leads the Bill Clerks to misuse the delivery receipts, thus allowed the paddy merchants to make adulteration in the paddy.

ii.He permitted the Bill Clerks in Mangalkudi and other centres to pay advance amount to create bogus documents to encourage the flow of paddy to the Centres without their personal verification.

iii. He permitted to adulterate the paddy by allowing the private lorries to carry the paddy procured from the Government fund, without using the permitted lorry of the Corporation contractor.



WEB COPY



**WP(MD)No.6899 of 2018**

iv. He permitted to purchase the sub standard quality of paddy, which are having more damages, discolour, mangled and immature scoring and scaling. The paddy gunny bags did not contain the mark showing the purchase Centre, lot number and the quantity mark and the same were not tied with red thread as per Corporation guidelines.

v.He failed to monitor the inflow of paddy to Mangalkudi, Punavasal, Sambakulam and Vaigai.

vi.He is held responsible for non-receipt of three loads, which are said to have been procured from direct purchase Centre at Austinapatti open storage Godown, thereby he caused a loss to the tune of Rs.9,62,400/- to the Corporation, by issuing movement slips to the paddy agents, who did not move the paddy to the Madurai Region open storage godown.

vii. He failed in his duty in supervising the staffs engaged in procurement, while procuring process as instructed by the Head Office Circular No.71/2014 (Na.Ka.No. MP1/ 72000/ 2014, dated 14.10.2014, thereby caused reputation damage to the Corporation.



WEB COPY

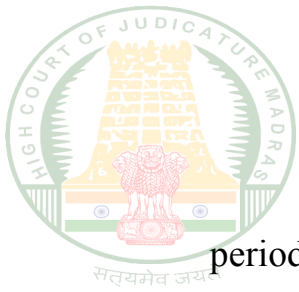


**WP(MD)No.6899 of 2018**

viii. Thus, he violated the Rule 15, Chapter VII of the Tamil Nadu Civil Supplies Corporation Employees Service Regulation, 1989, during procurement and movement of paddy.”

6.The learned counsel for the respondents denied the allegation of petitioner that action was initiated based on the media report. The department is having vigilance cell and charge memo was issued based on the report of the vigilance cell, pursuant to the inspection conducted in the procurement centres in Ramanathapuram region. He also submits that the petitioner did not conduct any surprise visit to ensure proper procurement in the paddy centres and by referring the diary of the petitioner, the learned Counsel submits that he had never visited any direct procurement centres within his region and thereby he failed in his legitimate duty and enabled the procurement centres to commit irregularities.

7.The learned counsel also submits that the charges are serious in nature, however a lesser punishment of censure was imposed on him. If the delinquent is exonerated fully from the charges, the suspension



**WP(MD)No.6899 of 2018**

period can be treated as duty period. If any punishment is imposed, it is the discretion of the disciplinary authority in deciding the suspension period either as eligible leave with pay or leave on loss of pay.

8.This Court has considered the rival submissions made and also perused the materials placed on record.

9.The petitioner claims that as a Regional Manager he cannot monitor the entire procurement centres within his control. The petitioner was issued with a charge memo that in four procurement centres in Ramanathapuram region, bricks and clay were mixed with paddy, as a supervisory authority he failed in his duties to monitor his subordinates and a fraud was committed.

10.The paddy is procured by both State and Central Governments in order to provide food grains to the needy at a subsidised rate under public distribution scheme. The governments are spending huge amount for this scheme. The governments have also issued various guidelines in ensuring the quality of paddy procured through the procurement centres.



**WP(MD)No.6899 of 2018**

WEB COPY

11.The respondents claim that the petitioner as a Regional Manager, never visited any of the procurement centres by conducting surprise inspections. The department has relied on the diary of the petitioner. The department has also claimed that action was taken, not based on the news paper and media report, but based on the report of the vigilance department, which conducted surprise inspection in the direct procurement centres in Ramanathapuram region. The petitioner cannot take any advantage that being a Regional Manager, he is not responsible for any irregularities committed in the procurement centres within his region. The irregularities are grave in nature, which did not occur in one centre, but in four centres in Ramanathapuram region.

12. The higher level officers and supervisory officers are appointed in order to ensure that their subordinates are functioning in a proper manner and therefore, this Court is not inclined to accept the contention of the petitioner that as a Regional Manager, he is not responsible for the fraud committed in the four procurement centres within Ramanathapuram region during the relevant point of time.



**WP(MD)No.6899 of 2018**

WEB COPY

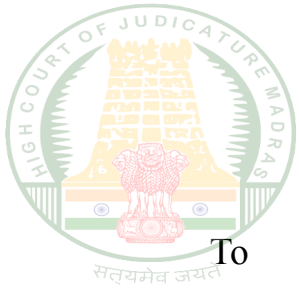
13.The Hon'ble Supreme Court in ***Indian Oil Corporation Ltd & Anr Vs Ashok Kumar Arora*** reported in ***AIR 1997 Supreme Court 1030***) has held that the scope of interference by High Courts is limited to cases where the punishment is totally disproportionate to the proved misconduct of an employee.

14.The petitioner has not made out any ground that there was any violation of procedure or principle of natural justice and in the absence of any material, in view of the foregoing discussion and the above cited decision, this Court is not inclined to interfere with the punishment imposed by the disciplinary authority and as confirmed by the appellate authority. At the same time since the petitioner has been imposed with censure, as per Chapter V of the Tamil Nadu Civil Supplies Corporation Limited Employees Service Regulations, 1989, the petitioner is entitled for the relief of treating the suspension period as leave period. Accordingly, this writ petition is partly allowed. The respondents shall treat the petitioner's suspension period as eligible leave period. No costs. Consequently connected miscellaneous petition is closed.

16.05.2025

DSK

10/12



**WP(MD)No.6899 of 2018**

To

WEB COPY

- 1.The Board of Directors,  
Tamil Nadu Civil Supplies Corporation,  
12, Thambusamy Road,  
Kilpauk, Chennai – 600 010.
- 2.The Managing Director,  
Tamilnadu Civil Supplies Corporation,  
12, Thambusamy Road,  
Kilpauk, Chennai – 600 010.
- 3.The Secretary to Government,  
Co-Operation Food and Consumer Protection  
(F1) Department, Secretariat, Chennai.



WEB COPY



**WP(MD)No.6899 of 2018**

**B.PUGALENDHI, J.**

dsk

**WP(MD)No.6899 of 2018**

**116.05.2025**