

WP(MD)No.21807 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.21807 of 2022

and

WMP(MD)Nos.15969, 15972 of 2022, 23644 of 2024

R.Jagadeeswaran

.. Petitioner

v.

1.The Commissioner,
Milk Production and Dairy Development Department,
No.3A, Muthuramalinganar Salai,
Nandanam, Chennai - 35.

2.The Managing Director,
Tamil Nadu Co-operative Milk Producers Federation Ltd.,
No.3A, Muthuramalinganar Salai,
Nandanam, Chennai - 35.

3.The General Manager,
Sivagangai District Co-operative Milk
Producers Union Ltd.,
Kalanivasal, Karaikudi - 630 002,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Certiorarified Mandamus calling for the



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records relating to the impugned order passed by the first respondent in Na.Ka.No.13339/N.1/2021 dated 29.06.2022 in respect of deduction of 35% of loss amount against the petitioner and the consequential order passed by the third respondent in Na.Ka.No.180/P & A1/2019, dated 06.07.2022, quash the same and consequently, directing the respondents to release the remaining leave salary sum of Rs.2,97,656/- to the petitioner forthwith.

For Petitioner : Mr.Sachin Rahul
for Mr.C.Arulvadivel @ Sekar

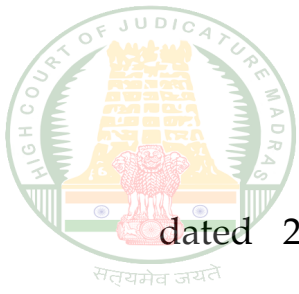
For Respondents : Mr.Veera Kathiravan,
Additional Advocate General

Assisted by
Mr.K.Balasubramani,
Special Government Pleader
for R.1, R.2

Mr.J.Devasenar,
Standing Counsel
for R.3

ORDER

The petitioner is a retired employee of Sivagangai District Co-operative Milk Producers Union Limited, Karaikudi [in short 'Aavin']. He has filed this writ petition against the order passed by the first respondent



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dated 29.06.2022 and the consequential order passed by the third respondent dated 06.07.2022, withholding a sum of Rs.2,97,656/- from his retirement benefits.

2.It appears that this sum of Rs.2,97,656/- was deducted from the retirement benefits of the petitioner, in pursuant to the direction of the first respondent / Commissioner dated 29.06.2022. The Commissioner has issued this direction since there was a loss to Aavin to the tune of Rs.8,50,446/- and that the petitioner and two others are said to have caused the loss by selling the goods in credit basis, as against the directions issued by the Department. However, no enquiry was conducted.

3.Learned Additional Advocate General, on instructions, has relied upon a memo issued to this petitioner dated 10.07.2017.

4.However, the memo has not been proceeded further by conducting any enquiry and fixing liability on this petitioner. The petitioner was also allowed to retire on attaining the age of superannuation on 31.07.2017.



After allowing him to retire from service, his retirement benefits were also settled, however, by withholding a sum of Rs.2,97,656/-, which is said to be his proportionate share in the loss caused to the Department.

5. When the respondent / Aavin is deducting a sum of Rs.2,97,656/- from the petitioner's retirement benefits that he has caused loss by selling the goods in credit basis as against the directions issued by the Department, in all fairness, the Department ought to have conducted an enquiry by providing an opportunity of hearing to the petitioner and fixed the liability on the petitioner and only thereafter, they ought to have ordered for recovering the amount. Admittedly, none of the procedures were followed in this case. Though a memo was issued, it was not proceeded further by any enquiry.

6. Since the retirement benefits of the petitioner has been withheld without conducting any enquiry and without framing any charges, this Court is not inclined to approve the impugned order. Accordingly, this writ petition is allowed and the impugned orders dated 29.06.2022 and



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06.07.2022 are set aside. The respondents are directed to release the petitioner's retirement benefit amount, which was withheld by them, within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No 09.01.2025
NCC : Yes / No
gk

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B.PUGALENDHI, J.

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