

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 17.04.2025

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)Nos. 19583 & 19584 of 2016
and
W.M.P(MD)Nos. 14123 to 14126 of 2016

Thavamani ... Petitioner in
W.P(MD)Nos. 19583 of 2016

K.O. Mayandi ... Petitioner in
W.P(MD)Nos. 19584 of 2016

Vs.

1. The Principal Secretary/Commissioner,
Civil Supply and Consumer Protection Department,
Ezhilagam, Chepauk,
Chennai -5.
2. The Joint Commissioner,
Civil Supply and Consumer Protection Department,
Ezhilagam, Chepauk,
Chennai -5.
3. The Joint Registrar,
Co Operative Society Department,
Madurai Region,
Madurai.



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4. The District Supply Officer,
Madurai District,
Collectorate,
Madurai.

5. The Taluk Supply Officer,
Usilampatti Taluk,
Usilampatti,
Madurai.

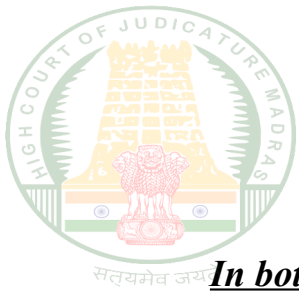
6. The Sub Registrar/Managing Director,
Mu.8, Usilampatti Taluk Agriculture Producers,
Co Op Marketing Society Ltd.,
Usilampatti,
Madurai District.

7. The President,
Mu -8, Usilampatti Taluk Agriculture,
Producers Cooperative Marketing Society Ltd.,
Usilampatti, Madurai.

... Respondents in
both Wps.

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue of *Writ of Certiorari* to call for the records challenging the consequential orders passed by the 3rd respondent in his proceedings in Na.Ka.No.88/2016/Povithi 2 dated 05.07.2016 on the basis of recovery order dated 24.05.2016 in Na.Ka.No. 2860/2016 /Ku.Po.7 passed by the 4th respondent.

[Prayer amended vide order of this Court dated 05.02.2025]



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In both Writ Petitions

For Petitioners : Mr.C.Mayilvahana Rajendren

For Respondents : Mr.S.Saji Bino

Special Government Pleader, for R-1 to R-5

Mr.S.Mohandoss, for R-6

Mr.SR.Raghunathan, for R-7

COMMON ORDER

These writ petitions are filed challenging the impugned order of recovery. Since the issue involved in both the writ petitions are one and the same, the present common order is passed.

2. The petitioners contend that they worked as salesmen in the 7th respondent society, and their job involved supplying kerosene based on the allotment orders issued by the 5th respondent. However, the concerned higher officials have not taken any action against the 5th respondent. The petitioners merely supplied kerosene based on the allotment orders. Under such circumstances, they cannot be held liable for the fault and recover the loss.

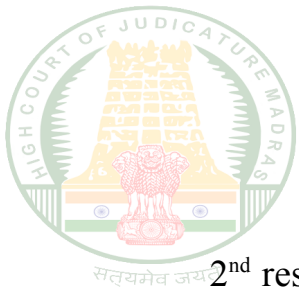


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3. However, the same was vehemently opposed by the 7th respondent, stating that K.G. Mayandi, the petitioner in W.P.(MD) No. 19584 of 2016, had already filed a writ petition in W.P.(MD) No.16656 of 2016. This Court, by order dated 02.09.2016, dismissed that writ petition. He did not prefer any appeal against the said order, and it has attained finality. Therefore, he cannot seek re-adjudication of the disciplinary proceedings. As such, the petitioners cannot now seek to adjudicate the recovery proceedings.

4. After hearing the rival submissions, this Court is of the considered opinion that if respondents 4 and 5 had issued the allotment orders, the petitioners were bound to supply kerosene. They would not in a position to ascertain whether the allotment orders were genuine or whether the ration cards were authentic.

5. By taking all these facts into consideration, the enquiry shall be conducted by the appropriate authority, i.e., the 2nd respondent/Joint Commissioner. Accordingly, the case is remitted to the



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2nd respondent. The 2nd respondent shall issue notice to the petitioners as well as to respondents 4 and 5, who held the relevant posts during the relevant period. On receipt of notice the petitioners are directed to submit detailed submissions. The 2nd respondent shall consider the facts of the case and thereafter shall take appropriate action regarding any wrongdoing. The 2nd respondent shall complete the proceedings within a period of six months from the date of receipt of a copy of this order. The order passed by the disciplinary authority shall be kept in abeyance until then. If the 2nd respondent reverses the order passed by the disciplinary authority, appropriate action shall be taken in accordance with law.

6. Accordingly, these writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes

17.04.2025

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Common Order made in
**W.P(MD)Nos. 19583 &
19584 of 2016**

17.04.2025