



WP(MD). No.24328 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.01.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.24328 of 2022

S.Rajaram

... Petitioner

versus

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Dindigul Region,
Dindigul District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus, to direct the respondent herein to disburse the sum of Rs.1,32,754/- which was deducted as Transit Loss recovery from the petitioner's retirement benefits of encashment of Earned Leave Salary and Unearned Leave Salary, with interest by considering his representation dated 06.09.2022 within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.G.Mohankumar,
Standing Counsel



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ORDER

The petitioner, a retired employee of the Tamil Nadu Civil Supplies Corporation, Dindigul Region, has filed this writ petition for a Mandamus, to direct the respondent to disburse a sum of Rs.1,32,754/- which was deducted as Transit Loss recovery from his retirement benefits.

2. For the very same relief, the petitioner has already filed W.P. (MD)No.1417 of 2015 as against an order deducting his retirement benefits on 21.10.2014. This Court, by order dated 29.11.2018, has disposed of the writ petition as under:

“8. In the said circumstances, this Court finds no merit in the writ petition. Hence, this writ petition is dismissed. It is open to the petitioner herein if contractors succeed in their writ petition, he can seek for return of the money which was taken from his encashment of earned leave and unearned leave. No costs. Consequently, connected miscellaenous petitions are closed.

9. At this juncture, it is submitted by the learned counsel appearing for the respondent that pursuant to the



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direction of this Court a sum of Rs.1,32,754/- has been deposited in the name of Additional Registrar General in the credit of W.P.(MD)No.1417 of 2015. Since this Court has dismissed the writ petition, the original bond in the name of the Additional Registrar General shall be returned to the respondent herein subject to the condition that if the Transport Contractors succeed in their case, the respondent has no ground to proceed with the recovery of excess payment and the same shall be returned to the petitioner herein with accrued interest.”

3. Now, the present writ petition is filed that two of the contractors have succeeded in the arbitration proceedings.

4. However, the respondent has taken a stand that out of five contractors, two contractors have lost in the arbitration proceedings and two contractors have succeeded in the arbitration proceedings and one contractor has accepted the recovery order. Therefore, according to the respondent, the petitioner is not entitled for recovery for return of the amount which has already been deducted. The learned counsel appearing for the respondent, by producing a copy of the proceedings dated



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03.12.2024, submits that an order has also been passed to that effect by considering the petitioner's subsequent representation dated 06.09.2022.

5. Since the respondent has already taken a decision based on the subsequent representation of the petitioner dated 06.09.2022 and also considering the relief sought for in this writ petition, this writ petition is closed with liberty to the petitioner to challenge the proceedings dated 03.12.2024. No costs.

02.01.2025

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Dindigul Region,
Dindigul District.



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B.PUGALENDHI, J.

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