



WEB COPY

WP No. 25632 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P. No. 25632 of 2013

V.Devarajulu
No.2, Daniel Second Street,
West Bhanu Nagar, Ambattur, Chennai-53.

..Petitioner(s)

Vs

1. Tamilnadu Adi Dravidar Housing
& Development Corporation. Ltd.,
Through The Board Of Directors,
Rep. By Its Chair Person, TNHB Shopping
Complex, Thirumangalam, Chennai-101.
2. The Managing Director
Tamilnadu Adi Dravidar Housing And
Development Corporation Ltd.,
Thirumangalam, Chennai-101.

..Respondent(s)

PRAYER- This Writ Petition is filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus, calling for the records of the respondents relating to the proceedings No. A3/5451/2009 dated 22.10.2012 of the 2nd respondent as confirmed in the letter No.A3/5451/2010 dated 14.06.2013 of the 1st respondent and quash the same and direct the respondents to forthwith release to the petitioner the sum of Rs.6.30 lakhs recovered from his terminal benefits.



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For Petitioner(s): Mr.N.Kolandaivelu
For Respondent(s): Mr.C.A.Ashok Kumar,
Senior Counsel

ORDER

The petitioner challenges the order dated 22.10.2012 passed by the second respondent. By the said order, a sum of Rs.6.30 lakhs, being 20% of Rs.31.50 lakhs, which represents the total estimated cost of the building, was sought to be deducted from the retiral benefits of the petitioner.

2. The petitioner, while serving as an Executive Engineer in the Tamil Nadu Adi Dravidar Housing and Development Corporation Limited (hereinafter referred to as TAHDCO), Salem Division, Salem, was issued with a charge memo along with the statement of imputations. The charge against the petitioner was that he was entrusted with the construction of a hostel through a contract. The said construction commenced on 27.03.2003, was completed on 12.03.2004, and was handed over to the Adi Dravidar Welfare Department on 28.05.2004. After the expiry of five years from the date of construction, the following defects were noticed:



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“1) The floor of the kitchen, dining hall, lavatory and the hostels rooms lowered down upto 2 centimetres.

2) There are cracks on the walls of all the rooms in the ground floor.

3) The walls in the ground floor became black in view of dampness.

4) The roof slab in the ground floor is moved from the wall in view of the cracks developed in the walls of the ground floor.

5) Criss-cross cracks and other cracks have been developed in all the walls.”

3. The above deficiencies are stated to have arisen on account of non-testing of the soil. It is alleged that the construction of the hostel commenced without obtaining approval of the foundation design from the Head Office and that, instead of adopting the frame structure as approved in the original estimate, a pile foundation was provided.

4. The petitioner submitted his explanation denying all the charges and contended that the construction was carried out strictly in accordance with the instructions issued by the General Manager (Technical), as reflected in the Site Inspection Report dated 14.03.2003. As the Disciplinary Authority was not



satisfied with the explanation, the General Manager (Technical) was appointed as the Enquiry Officer. During the enquiry, several questions were put to the petitioner, and he denied the charges in entirety.

5. Upon conclusion of the enquiry, the Enquiry Officer submitted a report holding that the charges against the petitioner stood proved. Thereafter, a second show cause notice was issued calling upon the petitioner to explain as to why the enquiry report should not be accepted and appropriate punishment should not be imposed. The petitioner submitted a further explanation reiterating the stand taken in his reply to the first show cause notice. The Disciplinary Authority, after considering the enquiry report and the further explanation, recorded a finding that the charges stood proved and passed the impugned order.

6. The learned counsel appearing for the petitioner submitted that the construction of the hostel building was carried out and completed strictly in accordance with the instructions of the superior authority, namely, the General Manager (Technical), as per the inspection report dated 14.03.2003. Therefore, any alleged defects or deficiencies in the construction cannot be attributed to the petitioner. It was further contended that, in the absence of any material to



substantiate the charges, the impugned order passed by the second respondent is not legally sustainable.

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7. Per contra, the learned Standing Counsel appearing for the respondents, relying upon the materials available on record, submitted that the enquiry report clearly establishes that the petitioner was responsible for the deficiencies and defects in the quality of construction of the hostel building, rendering it unfit for human habitation and thereby causing a loss to the extent of Rs.31.50 lakhs. It was further submitted that the Disciplinary Authority, taking a lenient view, had ordered recovery of only Rs.6.30 lakhs, being 20% of the total loss. In the absence of any perversity or arbitrariness in the decision-making process, the impugned order does not warrant interference.

8. The submissions made by the learned counsel on either side and the materials available on record have been carefully considered.

9. An amount of Rs.31.50 lakhs was sanctioned for the construction of the hostel building, pursuant to which a tender was floated and a successful bidder was entrusted with the construction. Prior to commencement of the construction, the General Manager (Technical), TAHDCO, Chennai, conducted



a spot inspection on 14.03.2003. In the said inspection report, the General Manager (Technical) recommended that, considering the soil condition, pile foundation should be provided for the main building and that 25 cm diameter piles to a depth of 1.60 metres should be provided for the compound wall. He further suggested that the basement should be treated with lime piles and filled with sand. It was also recommended that chamber bricks be used instead of country bricks. Noting the presence of a higher percentage of sand in the soil, it was advised that the compound wall be constructed to a depth of 1.8 metres with necessary sand filling to a depth of 30 cm. It was further observed that the soil was clayey in nature and, therefore, pile foundation was advisable.

10. Acting strictly in accordance with the instructions issued by the General Manager (Technical), who was superior to the petitioner, the petitioner supervised the construction of the hostel building. The construction was completed on 12.03.2004, and the building was handed over to the beneficiary on 28.05.2004. It is alleged that, after a period of five years from the date of completion, certain defects were noticed, pursuant to which a charge memo came to be issued on 30.05.2011, i.e., after more than seven years from the completion of the construction. The respondents do not dispute the inspection report dated 14.03.2003 issued by the General Manager (Technical). Therefore, the alleged defects in construction cannot be attributed to the petitioner, as the



supervision carried out by him was strictly in conformity with the said inspection report.

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11. A similar charge was framed against the Junior Engineer, namely Mr. S. Kamaraj, and upon enquiry, an order was passed directing recovery of 10% of Rs.31.50 lakhs. However, the said order of punishment was set aside by this Court in W.P. No.29560 of 2013.

12. In the absence of any material to substantiate the charges against the petitioner, the impugned order passed by the second respondent is not legally sustainable.

13. Accordingly, this Writ Petition is allowed, and the impugned order is hereby set aside. The respondents are directed to release the sum of Rs.6.30 lakhs, which was withheld from the retiral benefits of the petitioner, within a period of two months from the date of receipt of a copy of this order. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



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HEMANT CHANDANGOUDAR, J.

GSA

To

1. Tamilnadu Adi Dravidar Housing & Development Corpn. Ltd.,
Through The Board Of Directors,
Rep. By Its Chair Person,
TNHB Shopping Complex,
Thirumangalam, Chennai-101.
2. The Managing Director,
Tamilnadu Adi Dravidar Housing And
Development Corporation Ltd.,
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