



WP.Nos.11164 & 11071 of 2024

WP. Nos.11164 & 11071 of 2024

M. DHANDAPANI, J.

At the instance of the learned counsel appearing for the petitioner, today this matter has been posted under the caption “for being mentioned”.

2. Heard, the learned counsel appearing on either side

3. On hearing the submissions of the learned counsel appearing for the petitioner, it is ordered that the entire eighth paragraph of the order passed in WP.Nos.11164 & 11071 of 2024 dated 28.01.2026 shall read as follows:

“8. On perusal of the entire counter affidavit filed by the respondents, it is revealed that the alleged loss claimed by the respondents Corporation is only Rs.5,43,272/- insofar as the petitioner. However, for Rs.5,43,272/- without initiating disciplinary proceedings when the incident happened, at the verge of retirement, the petitioner was placed under suspension and his service was retained, which is unsustainable one. Therefore, to strike the balance between the petitioner and the respondents Corporation, the respondents Corporation is directed to withhold Rs.5,43,272/- from the terminal benefits of the



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petitioner and to settle the remaining amount of terminal benefits to the petitioner within a period of six weeks from the date of receipt of this order, and further, the respondents Corporation shall conclude the disciplinary proceedings with regard to loss of Rs.5,43,272/- after providing opportunity to the petitioner within a period of twelve weeks thereafter. If ultimately the petitioner succeeds in the disciplinary proceedings, the respondents are directed to reconsider the recovery order in the manner known to law.”

4. Accordingly, the Registry is directed to issue a fresh order copy in WP.Nos.11164 & 11071 of 2024 dated 28.01.2026 after making necessary corrections.

11.02.2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM:

THE HON'BLE MR. JUSTICE **M. DHANDAPANI**

W.P. Nos.11164 & 11071 of 2024 and
WMP.Nos.12230, 12231, 12156 & 12157 of 2024

WP.No.11164 of 2024

M.Anbalagan

... Petitioner

Vs

1.TAMIL NADU CIVIL SUPPLIES CORPORATION LTD.,
REP. BY ITS MANAGING DIRECTOR, NO.12, THAMBUSAMY ROAD,
KILPAUK, CHENNAI-600 010.

2.THE REGIONAL MANAGER,
TAMIL NADU CIVIL SUPPLIES CORPORATION, KANCHEEPURAM
REGION, VANDAVASI ROAD, PALLAVAN NAGAR,
KANCHEEPURAM DISTRICT-631 801.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, Calling for the records relating to the impugned show-cause Notice in Na.Ka. No.E6/ 005783/2022 dated 27.06.2022 issued by the 2nd respondent and consequential impugned order of recovery vide Na.Ka. No.E6/ 14925/ 2022 dt.10.05.2023 issued by the 2nd respondent and quash the same

For petitioner : Mr.K.Premkumar

For respondents : Mr.C.Selvaraj,
Additional Government Pleader



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M.Anbalagan

... Petitioner

Vs

1.TAMIL NADU CIVIL SUPPLIES CORPORATION LTD.,
REP. BY ITS MANAGING DIRECTOR, NO.12, THAMBUSAMY ROAD,
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2.THE REGIONAL MANAGER,
TAMIL NADU CIVIL SUPPLIES CORPORATION, KANCHEEPURAM
REGION, VANDAVASI ROAD, PALLAVAN NAGAR,
KANCHEEPURAM DISTRICT-631 801.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the (i) Impugned order Suspension vide proceedings No.E6/ 005783/ 2022 dated 28.06.2022 issued by the 2nd respondent, (ii) impugned order extending in the period of service issued by the 1st respondent in proceedings செ.மு.ஆ.எண்.எஇ4 / 13214/ 2022 dated 30.06.2022 and (iii)Impugned Charge Memo vide Na.Ka. No.இ6/ 005786/ 2022 dt.27.12.2022 issued by the 2nd respondent and quash the same and consequently direct the respondents to pay all the terminal benefits of the petitioner along with interest at the rate of 12 percent per annum with effect from 01.07.2022 till the date of payment

For petitioner : Mr.K.Premkumar

For respondents : Mr.C.Selvaraj,
Additional Government Pleader



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COMMON ORDER

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These Writ Petitions have been filed by the same person and the issues involved in both the writ petitions are related to each other. Accordingly, this Court dispose of the writ petitions by common order.

2. The learned counsel appearing for the petitioner would submit that the petitioner while working as Superintendent, Kancheepuram Region in Tamil Nadu Civil Supplies Corporation under the control of the second respondent, when he was about to superannuate on 30.06.2022, the second respondent insisted the petitioner to execute a consent letter stating that the petitioner has no objection to recover the alleged loss, if any, sustained by the respondents Corporation as a pre condition to allow the petitioner to retire from service and to settle his terminal benefits. In view of the threat and undue influence and pressure mounted by the second respondent, the petitioner issued consent letter dated 22.06.2022 agreeing for the demand of the second respondent and thereafter the second respondent issued show cause notice on 27.06.2022 calling upon the petitioner to explain why a sum of Rs.1,95,360/-should not be recovered from the petitioner for the alleged excess payment made to the contractor engaged by the Corporation namely M/s.Sundar Scales for the purpose of maintenance of Electronics scales, Repair, Spares and re-certification



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process and thereafter the petitioner made a request to furnish the copies of the documents enabling the petitioner to give a suitably reply. In stead of furnishing copies of the relevant documents, the second respondent issued an order of suspension dated 28.06.2022 suspending the petitioner from service by invoking Regulation 6(a)(i), Chapter V of the Tamilnadu Civil Supplies Corporation Employees' Service Regulation, 1989 for the purpose of retaining the service to continue the disciplinary proceedings. Challenging the same, the writ petition in WP.no.11071 of 2024 has been filed and subsequently, the very same second passed order of recovery for a sum of Rs.5,43,272.93/- as if alleged loss, contrary to the earlier show cause notice and further, the said order of recovery impugned in WP.No.11164 of 2024 has been passed without providing any opportunity to the petitioner. Till date, no terminal benefits have been settled in favour of the petitioner.

3. However, the learned counsel appearing for the petitioner submitted that this Court may issue a direction to the respondents to withhold Rs.5,43,272.93/- and to settle the remaining terminal benefits without prejudice to the rights of the petitioner and to conclude the disciplinary proceedings for the amount withheld by the respondents and to pass appropriate orders.



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4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner and other staff of Regional Office, Kanchipuram had committed grave irregularities while settling bills to the service contractor namely M/s.Sundar Scales and in that process, a sum of Rs.1,53,41,475/- was paid excessively to M/s.Sundar Scales Service Contractor for the period from 2017, 2018, 2019 and 2020. The Bills were not properly scrutinized by the petitioner and he had recommended for payment to the higher authorities. The above said irregularities were unearthed by Principal Accountant General (Audit 1), Chennai and audit objections were raised for the excess payment of Rs.1,53,41,475/- and to recover from the persons responsible. The respondent Corporation had recovered a sum of Rs.25,00,000/- and a sum of Rs.5,000/- towards Security Deposit was adjusted, totaling Rs.25,05,000/- was recovered from M/s.Sundar Scale Service contractor and the balance Rs.1,28,36,475/- has to be recovered from the staff who are wholly responsible for making excess payment to the Service contractor, in gross violation of circular instructions issued by the respondent Corporation. He further submitted that while giving service Contract to M/s.Sundar Scales, it was instructed to follow the circular instructions issued in RC No.COM.M6/9860/2012 dated 29.05.2012. An extract of circular instruction is as detailed below:-



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"Permitting the Regional heads to incur the expenses upto Rs.1,500/- towards service charges / cost of spare parts in respect of Electronic platform scale and weigh bridges per Scale per weigh bridge during a financial year. If expenditure exceeds Rs.1500/-, the Regional head should send requisite proposal in the format already prescribed for approval. "

But in Kancheepuram region, staff have not followed the above said circular instructions while making payment to M/s. Sundar scale and they sanctioned and paid in excess of Rs.1,500/- per scale in a financial year without sending any proposal to Head Office as instructed in the above said circular. In nutshell, the staff had sanctioned and paid service charges over and above Rs.1,500/- per scale in a financial year and they have sanctioned the service charges many number of times in a financial year quite contrary to the above said circular.

5. The learned Additional Government Pleader appearing for the respondents further submitted that nearly 107 staff were involved in making excess payment to the tune of Rs.1,53,41,475/- for the period from 2017-2020 and responsibilities have been fixed on the staff including from Senior Regional Manager to the cadre of Bill Clerk who involved in this excess payment. Most of the employees had accepted their mistake and remitted their share of recovery amount after realizing their responsibilities. A sum of Rs.5,43,272.93/-



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was fixed as his share of recovery from the petitioner based on his involvement in the matter of excess payment made to the service contractor. Further, initially a show cause notice was issued to the petitioner on 27.06.2022 for a sum of Rs.1,95,360/- for certain period service in which the petitioner was responsible for making excess payment along with other staff. After the receipt of show cause notice, the petitioner has sought for certain details on 29.06.2022. Since the petitioner attained the age of superannuation on 30.06.2022 and huge recoveries were pending towards excess payment made to service contractor and disciplinary action taken based on DVAC report regarding bribe case, he was placed on suspension on 28.06.2022 by the 2nd respondent. He was retained in service for a period of 6 months under TNCSC Employees' Service Regulations, 1989 and subsistence allowances were paid up to 31.12.2022. In the meantime, based on the available records for certain period, show cause notice was also issued on 27.12.2022. Further, the petitioner had given his consent on 22.06.2022 to recover any amount that is determined due to storage loss, audit objection, as the same may be recovered from his terminal benefits vide his consent letter dated 26.05.2022. After the receipt of further report from audit regarding the excess payment made by the petitioner while he was working as Superintendent in Regional office, another charge memo was issued on 02.05.2023 in RC.No.E6/14925/2022 by pointing out his share of recovery as Rs.5,43,272.93/- out of Rs.1,28,36,475/-. After the receipt of the explanation



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from the petitioner, the Regional Manager, TNCSC, Vellore was appointed as an enquiry officer and he conducted an enquiry by holding all the charges as proved and the same was communicated to the petitioner on 13.05.2025. The petitioner has not given his explanation so far and the disciplinary action could not be finalized by the disciplinary authority. Out of 107 employees who are involved in the mass irregularity committed by them, almost all the employees have remitted their share of recovery voluntarily and in view of recovery, minor punishment were awarded to them based on the gravity of charge in the disciplinary proceedings. Similarly, show cause notice was issued to the petitioner during March 2023 for showing cause as to why a sum of Rs.5,43,272.93/- should not be recovered from him. Since the individual has already given his consent to recover the audit recovery, if any from his terminal benefits, necessary recovery orders were issued in RC.No.E6/14925/2022, Dated. 10.05.2023.

6. Heard, the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

7. The facts of the case are not in dispute. Admittedly, the petitioner while in employment as Superintendent in Tamilnadu Civil Supplies



Corporation, he was placed under suspension by invoking powers available under Regulation 6(a)(i), Chapter V of the Tamilnadu Civil Supplies Corporation Employees' Service Regulation, 1989 for the purpose of retaining the service to conclude the disciplinary proceedings.

8. On perusal of the entire counter affidavit filed by the respondents, it is revealed that the alleged loss claimed by the respondents Corporation is only Rs.5,43,272/- insofar as the petitioner. However, for Rs.5,43,272/- without initiating disciplinary proceedings when the incident happened, at the verge of retirement, the petitioner was placed under suspension and his service was retained, which is unsustainable one. Therefore, to strike the balance between the petitioner and the respondents Corporation, the respondents Corporation is directed to withhold Rs.5,43,272/- from the terminal benefits of the petitioner and to settle the remaining amount of terminal benefits to the petitioner within a period of six weeks from the date of receipt of this order, and further, the respondents Corporation shall conclude the disciplinary proceedings with regard to loss of Rs.5,43,272/- after providing opportunity to the petitioner within a period of twelve weeks thereafter.



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9. With the above directions, both the writ petitions stand disposed of.

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

28.01.2026

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

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REP. BY ITS MANAGING DIRECTOR, NO.12, THAMBUSAMY ROAD,
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2.THE REGIONAL MANAGER,
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