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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

WP No. 31268 of 2016
CNR: {HCMA010732072016}

Case QR

S.Viswanathan
S/o.S.Seshadri

..Petitioner

Vs

1. The Managing Director,
   Tamilnadu Civil Supplies Corporation,
   Thambusamy Street,
   Kilpauk, Chennai 600 010

2. The General Manager (Administration)
   Tamilnadu Civil Supplies Corporation,
   Thambusamy Street,
   Kilpauk, Chennai 600 010

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Sae.Mu.A.No.AD1/5779/2015, dated 20.05.2016 and quash the same.

For Petitioner: Mr.D.Thamarai Selvan
for Mr.C.Prakasam

For Respondents: Mr.S.Kumaresan, Additional Advocate General
Assisted by Mr.K.Narayanan

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ORDER

This writ petition has been filed under Article 226 of the Constitution of India challenging the impugned order passed by the 1st respondent herein in Proceedings Sae.Mu.A.No.AD1/5779/2015, dated 20.05.2016.

2. The case of the writ petitioner is that he was appointed as a Steno-Typist in the respondent Corporation on 10.04.1981, subsequently promoted as Assistant, and reached the position of Deputy Manager. While discharging his duties as Deputy Manager in the year 2013, he was posted as Regional Manager In-charge (Full Additional Charge) in the Tiruppur Region, based on the order passed on 28.09.2013, and on the basis of the same, he took charge.

3. At that point of time, the petitioner was issued charge memos in respect of the quality and movement of rice. On the basis of the charge memos, an enquiry was conducted, and a punishment of stoppage of increment for one year with cumulative effect was imposed. Challenging the same, the writ petitioner preferred an appeal, and the appellate authority confirmed the said order. In the meantime, the petitioner attained superannuation on 30.11.2014 and was allowed to retire from service, except for the withholding of a sum of Rs.55,984/- towards recovery related to an audit.

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4. After his retirement, the respondents paid his Gratuity, ECPF, and SPF, but refused to release his earned leave and unearned leave encashment despite several written requests. Hence, he preferred a statutory appeal before the 1st respondent on 02.02.2015, and no orders were passed for a long time. Therefore, he approached this Court challenging the impugned order passed by the 1st respondent in Proceedings Sae.Mu.A.No.AD1/5779/2015, dated 20.05.2016.

5. The counsel for the writ petitioner submitted that by an order dated 25.07.2014, the time for movement was extended up to 04.08.2014 and therefore, the first charge became redundant, since the petitioner moved the material within the extended time. In spite of the above fact, the Enquiry Authority came to the conclusion that the first charge was proved and, on that basis, imposed the punishment, which is against the letter dated 25.07.2014, and hence, the said order has to be interfered with.

6. On the other hand, the counsel for the respondent submitted that the charges are serious in nature, and considering the charges and the report of the Enquiry Officer, after giving due opportunity, only the punishment of stoppage of increment for one year was imposed. The punishment is very minimal

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compared to the seriousness of the charges, and there is no need to interfere with the order. He further submitted, that the above extension order was issued by the Food Corporation of India and it would not preclude the respondent from initiating disciplinary proceedings for non-movement of goods in the respondent Corporation, since the main duty of the writ petitioner is to make sure the goods reach the destination for the effective management of the Public Distribution System. He further submitted, that because the writ petitioner failed in his job, disciplinary proceedings were initiated, the punishment is proportionate to the charge, and there is no need for any interference, and he prayed for the dismissal of the petition.

7. Heard the counsel on either side and perused the materials available on record.

8. Considering the charges as against the writ petitioner, the punishment imposed is minimal and proportionate, since the writ petitioner was working in the Tamil Nadu Civil Supplies Corporation, which manages the Public Distribution System, and any mistake committed by the writ petitioner would have a great impact on the entire system and affect the general duty. On comparison with the charges, the punishment imposed is proportionate, and this Court is not inclined to interfere with the impugned order.

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9. However, the respondent Corporation is retaining a sum of Rs.55,984/- on the ground of an audit objection, and the said retention is only because of the aforesaid charges. The respondent Corporation has already imposed a punishment, and the petitioner has completed the punishment. If the retention of money is also allowed, it would amount to double punishment on him.

10. Therefore, the respondent Corporation is directed to release the retained money on the basis of the audit objection within a period of 12 weeks with 6% interest. Based on these observations, this writ petition is disposed of. No costs.

17-11-2026

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

To

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2. The General Manager (Administration)
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KRISHNASWAMY GOVINDARAJAN, J.

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