

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Fifteenth day of July Two Thousand Nineteen

PRESENT

THE HON `BLE MR JUSTICE S.VAIDYANATHAN

WP No.20610 of 2019

and WMP.No.19827 of 2019

L.KUMAR

[PETITIONER IN BOTH THE
PETITIONS]

Vs

1 THE MANAGING DIRECTOR [RESPONDENTS IN BOTH THE
TAMIL NADU CIVIL SUPPLIES CORPORATION PETITIONS]
NO 12, THAMBUSAMY ROAD KILPAUK CHENNAI.

2 THE ZONAL MANAGER
TAMIL NADU CIVIL SUPPLIES CORPORATION
KANCHEEPURAM ZONE KANCHEEPURAM.

3 THE DEPUTY MANAGER (ACCOUNTS)
TAMIL NADU CIVIL SUPPLIES CORPORATION,
KANCHEEPURAM ZONE KANCHEEPURAM.

Writ Petitions and writ miscellaneous petition filed under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i) call for the records of the Impugned order dated 29.6.2017 passed by the 2nd Respondent in NA.KA.NOE2/2423/2017 and quash the same and consequently direct the respondents 2 and 3 to reimburse the amount which was deducted from the Salary of the Petitioner till date as per the Impugned order by the issuance of a writ of certiorarified mandamus or any other writ or order or direction which this Hon'ble court may deem fit to pass (in WP.No.20610/2019) and

(ii) Stay the Operation of the order dated 29.6.2017 passed by the 2nd Respondent in NA.KA.NOE2/2423/2017 (in WMP.No.19827/2019) Pending disposal of the above WP.No.20610/2019 respectively.

Order : These petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.W.M.ABDUL AZEEZ, Advocate for the petitioner in both the petitions, and of MR.L.P.SHANMUGHASUNDARAM, Special Government Pleader taking

notice for the Respondents in both the petitions the Court made the following order:-

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the Respondents.

2. There shall be an interim order to the effect that the amount already deducted need not be refunded to the petitioner, but, however, further deduction is stalled, provided the Petitioner gives an undertaking affidavit that in case there is a cessation of employer and employee relationship, the amount mentioned in the impugned order dated 29.06.2017 could be deducted from the benefits due to him on account of the service rendered and the balance amount be paid. The Petitioner is directed to file the said affidavit before the end of this month, failing which, there is no bar for the 2nd Respondent to proceed with further deduction.

List this matter after three weeks.

-sd/-

15/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE MANAGING DIRECTOR
TAMIL NADU CIVIL SUPPLIES CORPORATION NO 12,
THAMBUSAMY ROAD KILPAUK CHENNAI.

2 THE ZONAL MANAGER
TAMIL NADU CIVIL SUPPLIES CORPORATION
KANCHEEPURAM ZONE
KANCHEEPURAM.

3 THE DEPUTY MANAGER (ACCOUNTS)
TAMIL NADU CIVIL SUPPLIES CORPORATION,
KANCHEEPURAM ZONE KANCHEEPURAM.

C.C. to M/S.W.M.ABDUL AZEEZ Advocate Sr.No.8866

The Government Advocate, High Court, Madras - 104.

Order

in

WP No.20610 of 2019

and WMP.No.19827 of 2019

Date :15/07/2019

From 26.2.2001 the Registry is issuing certified
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KP(16/07/2019) (IT)