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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2026

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.10595 of 2026
and
W.M.P.(MD) Nos.8307 & 8309 of 2026

V.Francis Durai ... Petitioner

Vs.

1.The Managing Director,
Tamilnadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

2.The Senior Regional Manager,
Tamilnadu Civil Supplies Corporation,
Theni Region, RMTC Colony,
Bodi Main Road, Theni - 625 531.

3.The Regional Manager,
Tamilnadu Civil Supplies Corporation,
Pudukkottai Region,
Kalyanaramapuram 1st Street,
Trichy Bye Pass Road, Pudukottai,
Pudukottai District - 620 002. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent in Se.Mu.No.B3/08950/2022-(1) dated 08.01.2025 and quash the same as

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illegal and consequently direct the respondents to refund the amount recovered from the petitioner within the time stipulated by this Court.

For Petitioner : Mr.B.Fazilkirmani

For Respondents : Mr.G.Mohankumar
Standing Counsel

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ORDER

This Writ Petition has been filed assailing the proceedings bearing Se.Mu.No.B3/08950/2022-(1), dated 08.01.2025, passed by the second respondent, whereby recovery of a sum of Rs.2,83,132/- has been ordered from the petitioner.

2. The case of the petitioner is that though the petitioner submitted an explanation in response to the Show Cause Notice dated 21.05.2024, the second respondent, without considering the said explanation, passed the impugned order, thereby violating the principles of natural justice.

3. Mr.G.Mohankumar, learned Standing Counsel appearing for the respondent Corporation, submitted that no explanation was received from the petitioner and therefore, after waiting for a considerable period of

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more than six months, the second respondent passed the impugned order. He further submitted that the impugned order has already been given effect to and that certain amounts have also been recovered from the salary of the petitioner for about one year.

4. It appears that there is a factual dispute as to whether the petitioner submitted an explanation in response to the Show Cause Notice dated 21.05.2024. Therefore, it would not be appropriate for this Court to adjudicate such disputed questions of fact while exercising its jurisdiction under Article 226 of the Constitution of India.

5. On being asked, the learned Standing Counsel fairly submitted that the petitioner has an efficacious remedy of appeal before the Managing Director, the first respondent herein, as against the impugned proceedings and that he can avail the said remedy.

6. In the light of the above and also taking into consideration the fact that the petitioner has approached this Court after a lapse of more than one year from the date of the impugned proceedings, this Court is of the view that it would be appropriate to relegate the petitioner to avail the

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remedy of appeal available before the first respondent as against the impugned proceedings dated 08.01.2025.

7. Accordingly, this Writ Petition is disposed of, permitting the petitioner to avail the said remedy of appeal within a period of three weeks from the date of receipt of a copy of this order. In case such an appeal is filed within the time stipulated above, the first respondent shall consider the same on its own merits, without reference to the period of limitation and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of three months from the date of filing of the appeal. No costs. Consequently, the connected Miscellaneous Petitions are closed.

16.04.2026

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

To

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MUMMINENI SUDHEER KUMAR, J.

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W.P.(MD) No.10595 of 2026

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