

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CAV ON 22/12/2014

DATED: 25/08/2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.33505 of 2014

M.Sankar

...Petitioner

Vs.

1. The Director of Handlooms and Textiles,
Office of the Commissioner of
Handlooms and Textiles,
Kuralagam, II Floor,
Chennai - 600 108.
2. The Assistant Director,
O/o. the Assistant Director of Handlooms and Textiles,
No.8 A, Salakarai Road,
Chellankuppam, Cuddalore Dt. 607 002.
3. Karunanithi,
The Managing Director,
Motchakulam Lakshmi Silk Handlooms Weavers
Co-operative Production and Sales Society Ltd.,
No.E 2076, Motchakulam Post,
Siruvanthadu,
Villupuram District - 605 105.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a Writ of Mandamus to direct the first and second respondents to take appropriate action against the third respondent based on the representation dated 07.11.2014.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
for R1 and R2

No appearance - R3

O R D E R

The petitioner submits that he is the President of the Motchakulam Lakshmi Silk Handloom Weavers Cooperative Production and Sales Society Limited. He was appointed as a President of the said Society on 30.04.2013. The third respondent is working as Managing Director in the said Society. The petitioner further submits that the third respondent, right from the date of assuming office as Managing Director of the Society, has been mismanaging the Society funds and thereby causing huge financial loss to the Society. As a President of the Society, when he questioned about the same, he was threatened with dire consequences. The petitioner further submits that the third respondent further threatened him that he would make false allegations against him and thereby remove him from the post of President.

2. The petitioner further submits that since the third respondent continued the said irregularities, he approached the Government authorities several times and notwithstanding the same, no action has been taken against him. The third respondent without the consent or concurrence from the petitioner, as he is the President of the Society, is disbursing the salary of the Society employees which is illegal. The third respondent could not disburse the salary of the society employee without the knowledge and signature of him, otherwise, if any audit objection is raised, he would be held responsible. The petitioner further submits that similarly, without the consultation or recommendation of him, the third respondent is procuring the hand looms on his own, thereby causing huge financial loss to the Society. Though the third respondent is working as a Managing Director and receiving salary from the Government, he has been taking a salary as Managing Director of the Society from the Society fund which is illegal.

3. The petitioner further submits that since no action has been taken against the third respondent in spite of several complaints, finally, he made a representation seeking action against the third respondent through his representation dated 07.11.2014 to the first and second respondents and the same is pending till date without any action. The petitioner further submits that unless action is taken based on his representation dated 07.11.2014, not only himself, but also the whole society would be affected and put to great hardship. Hence, the petitioner has filed the above writ petition to direct the first and second respondents to take appropriate action against the third respondent based on the representation of the petitioner dated 07.11.2014.

4. On considering the facts and circumstances of the case and submissions made by the highly competent counsels on both sides, this Court is of the view that the representation dated 07.11.2014 is pending on the file of the first and second respondents. Hence, the said representation has to be disposed of within the stipulated period on merits. Hence, this Court directs the first and second respondents herein to dispose the said representation within a period of eight weeks from the date of receipt of a copy of this order on merits after prior notice to the parties.

5. With the above direction, the writ petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

r n s

To

1. The Director of Handlooms and Textiles,
Office of the Commissioner of
Handlooms and Textiles,
Kuralagam, II Floor,
Chennai - 600 108.
2. The Assistant Director,
O/o. the Assistant Director of Handlooms and Textiles,
No.8 A, Salakarai Road,
Chellankuppam, Cuddalore Dt. 607 002.

1 CC to the Government Pleader, SR.No. 45416

W.P.No.33505 of 2014

NM (CO)
PSI (08.09.2015)