

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.29821 of 2015

A.Arumugam

... Petitioner

Vs.

- 1 The Director of Handlooms and Textiles, II Floor, Kuralagam Buildings, Chennai - 108
- 2 The Special Officer
The Kancheepuram Thiruvalluvar Silk Handloom Weavers Cooperative Production & Sale Society Ltd.,
No.49 G-4/G-8 Pallikodathan St,
(Mettu Street), Kancheepuram - 631 501 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider and dispose of the revision petition filed by petitioner dated 02.07.2012 and taken on files as Na. Ka. 32322/2012/G2-1 filed under Section 153 of the Tamil Nadu Cooperative Societies Act 1983 within a time frame.

For Petitioner : Ms. R.Sandhya
For Respondents : Mr. E.M.S.Natarajan,
Govt. Advocate, for R-1
Mr. L.P.Shanmuga Sundaram, Spl.G.P., for R-2

O R D E R

Mr.E.M.S.Natarajan, learned Government Advocate accepts notice for the first respondent and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader accepts notice for the second respondent. By consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner, while working as an Accountant in the services of the second respondent, has attained the age of superannuation on 30.07.2011 and was duly relieved. However, the terminal benefits due and payable to him are yet to be settled. The petitioner would further state that a show cause notice, dated 07.02.2012 was issued by the second respondent calling upon the petitioner to explain as to why the damages assessed by the Auditor for the years 2010-2011 and the additional damages while handing over charge of Silk Section amounting to Rs.1,49,702.27 and Rs.1,44,228/- respectively should not be deducted from his terminal benefits. In response to the same, the petitioner has offered his detailed explanation on 20.02.2012.

However, the second respondent, without properly appreciating and considering the explanation, has passed an order dated 30.03.2012 ordering recovery of the sum of Rs.4,82,130.23 from the terminal benefits of the petitioner. Aggrieved by the same, the petitioner has filed a Revision before the first respondent on 02.07.2012 under Section 153 of The Tamil Nadu Cooperative Societies Act, 1983. Though nearly three years had been lapsed, the said revision has not been given disposal and hence, the petitioner has come forward to file this writ petition.

3. This Court heard the submissions of the learned counsel for the both sides and perused the materials available on record.

4. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and considering the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, hereby directs the first respondent to consider and dispose of the petitioner's revision petition dated 02.07.2012 on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

srk
To

- 1 The Director of Handlooms and
Textiles, II Floor, Kuralagam Buildings,
Chennai - 108
- 2 The Special Officer
The Kancheepuram Thiruvalluvar Silk Handloom
Weavers Cooperative Production & Sale Society Ltd.,
No.49 G-4/G-8 Pallikodathan St,
(Mettu Street), Kancheepuram - 631 501.

- 1 cc to Government Pleader.Sr.No.51882
1 cc to Mr.K.m.Ramesh, Advocate Sr.No.51587
1 cc to Mr.L.P.Shanmuga Sundaram, Advocate Sr.No.51703

W.P.No.29821 of 2015

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pmk.25.9.2015