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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal(MD) No.1054 of 2015

M.Lourdhu

... Appellant

Vs.

- 1.The Special Officer,
Q-1151 Kariyapatti Teachers and
Panchayat Union Employees,
Co-operative Thrift & Credit society Ltd.,
Kariyapatti, Virudhunagar District.
- 2.The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Dindigul, Dindigul District.
- 3.The Assistant Elementary Educational Officer,
Sanarpatti, Dindigul District. ... Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.06.2014 made in W.P.(MD)No.7929 of 2012 on the file of this Hon'ble Court.

Prayer in WP(MD). 7929/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first and second respondents to consider the representation of the petitioner dated 11.04.2012 and consequential direction to withhold the salary of the 3rd respondent to the extent to satisfy the loan amount and remit the same to the petitioner society namely Q-1151 Kariyapatti Teachers and Panchayat Union Employees Cooperative Thrift and Credit Society Ltd., on the basis of the order dated 20.02.2012 passed by the first respondent

For Appellant : Mr.K.Appadurai

For Respondents 2&3 : Mr.A.K.Baskarapandian,
Special Government Pleader.

For 1st Respondent : Mr.D.Shanmugarajasethupathy

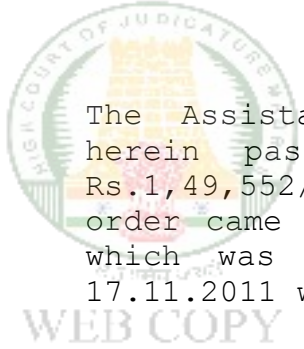
JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR,J)

This writ appeal is directed against the order of the learned single Judge dated 18.06.2014 in W.P.(MD)No.7929 of 2012.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The appellant borrowed loan from the respondent society. Since she has defaulted, action has been initiated to recover the loan amount.



The Assistant Elementary Educational Officer, the second respondent herein passed an order dated 14.06.2011 stating that a sum of Rs.1,49,552/- should be recovered from the salary of the appellant. That order came to be challenged by the appellant in W.P.(MD)No.7081 of 2011 which was subsequently dismissed as not pressed by an order dated 17.11.2011 which reads as follows:

"The counsel for the petitioner seeks permission to withdraw the writ petition. Not opposed by the other side. Hence, the writ petition is dismissed as not pressed. Consequently, the connected miscellaneous petitions are closed. No costs".

3. Thereafter, the respondent society filed W.P(MD)No.7929 of 2012 for mandamus to direct the authorities/Department to recover the said loan amount from the salary of the appellant that was allowed by the learned single Judge.

4. Challenging the same, the present writ appeal has been filed primarily contending that this is a case of forgery and the procedure prescribed under law has not been followed.

5. Learned counsel for the respondent society submits that even the Department has initiated action to recovery the loan amount from the appellant by issuing proceedings dated 14.06.2011. That came to be challenged by the present appellant and thereafter sought permission to withdraw the writ petition and has not pursued the same. Since the departmental action for recovery of loan remains intact, the respondent society is entitled to pursue the matter in accordance with law.

6. Learned single Judge taking note of these factors has allowed the writ petition. We find no error or infirmity in the order passed by the learned single Judge warranting interference by this Court. Accordingly, this writ appeal is dismissed. No costs. Consequently, M.P (MD)No.1 of 2015 is closed.

Sd/-
Assistant Registrar (AS)

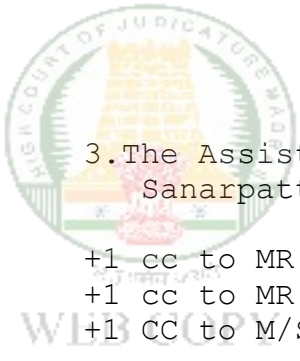
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Sub Assistant Registrar

sms
To

1. The Special Officer,
Q-1151 Kariyapatti Teachers and
Panchayat Union Employees,
Co-operative Thrift & Credit society Ltd.,
Kariyapatti, Virudhunagar District.

2. The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Dindigul, Dindigul District.



3.The Assistant Elementary Educational Officer,
Sanarpatti, Dindigul District.

+1 cc to MR.MR.K.APPADURAI, ADVOCATE, SR NO: 59955

+1 cc to MR.D.SHANMUGARAJA, ADVOCATE, SR NO: 59816

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 60163

JAM /30.10.2015/JGB/3P-7C

Writ Appeal(MD) No.1054 of 2015
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