

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33666 of 2016

and W.M.P.No.29050 of 2016

S.Chandrasekaran

... Petitioner

vs.

1.The Director of Handlooms and
Textiles,
Department of Handlooms and
Textiles,
Government of Tamil Nadu,
Kuralagam II Floor,
Chennai-108.

2.The Managing Director,
The Tamil Nadu Handloom Weavers'
Cooperative Society Ltd.,
350, Pantheon Road, Chennai-8.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 21.12.2015 relating to the repayment of the amounts deducted from the petitioner's final Settlement of Accounts and recovered viz. a sum of Rs.2,75,479.60 Ps. and pay the same to the petitioner.

For Petitioner : Mr.P.M.Subramaniam
For Respondents : Mr.C.Jagadeesh,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider his representation dated 21.12.2015 relating to the repayment of the amounts deducted from his final Settlement of Accounts and recovered viz., a sum of Rs.2,75,479.60 Ps. and pay the same to him.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner joined as an Assistant Salesman in the Tamil Nadu Handloom Weavers' Cooperative Society Limited in the year 1976 and he retired from service as a Sales Manager on 31.1.2015. By the proceedings of the Tamil Nadu Handloom Weavers' Cooperative Society Limited, responsibility for the time barred credit sales due from 1988-89 to 2003-2004 was fixed. It was presumed that staff of the Regional Collection office, who had worked during the said years had not taken effective steps to collect the pending dues of the credit sales and therefore, responsibility was fixed on various staff and orders were issued by the said proceedings.

(b) By the proceedings dated 17.6.2014, the responsibility for non-collection of dues were fixed on the petitioner in the following manner:-

Year 1993-94	Rs. 16,87,318.80
Year 1994-95	Rs. 2,64,160.80

	Rs. 19,51,479.60

being the credit sales outstanding dues from the Hospital. Thereafter, by the proceedings of the Regional office dated 5.8.2010, the Regional Manager acknowledged the uncollected credit sale of Rs.19,51,479.60. Subsequently, an amount of Rs.16,76,000/- was collected by the Regional Collection Office and the balance amount of Rs.2,75,479.60 was ordered to recover from the petitioner. By the said order, a sum of Rs.1,500/- per month was ordered to be recovered from the petitioner, commencing from August, 2010 and it was proceeded with and

continued till his retirement i.e., on 31.1.2015. In this regard, the petitioner made several representations to the respondents stating that the said recovery is bad in facts and in law since he is not responsible for the accumulated arrears of Rs.2,75,479/-, which is for the year of March 1993 to March 1995, but, the office of the Regional Manager had not replied or shown any indulgence. Finally, he has sent a representation dated 21.12.2015 to the second respondent for repayment of the said amount. But, the same was also not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that while paying the terminal and retiral benefits, a sum of Rs.2,07,889.04 ps was deducted from the petitioner apart from the amount of Rs.67,600/- which was already recovered from him. For repayment of the said amount, the petitioner sent a representation dated 21.12.2015 to the second respondent. But, the same was not considered. Hence, the present writ petition.

5. I have also heard the Special Government Pleader, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give fresh representation along with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation seeking repayment of the amounts deducted from his final Settlement of Accounts and the amount already recovered from him and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sbi

To

1.The Director of Handlooms and
Textiles,
Department of Handlooms and
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Government of Tamil Nadu,
Kuralagam II Floor,
Chennai-108.

2.The Managing Director,
The Tamil Nadu Handloom Weavers'
Cooperative Society Ltd.,
350, Pantheon Road, Chennai-8.

+1 CC to Mr. P.M. Subramaniam, Advocate, Sr.No.54787

+1 CC to Government Pleadeer, High Court, Madras Sr.No.55387

W.P.No.33666 of 2016

CA (CO)

MD : 22/10/2016



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