

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35784 of 2016

V.Selvi

... Petitioner

Vs

1.The Joint Registrar of Co-operative
Societies,
Vellore Zone,
Vellore.

2.The President,
Madappalli Farmers Welfare,
Co-operative Society,
Vellore District,
Pin Code 635 653.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus calling for the entire record in pursuant to the letter issued by the first respondent vide Na.Ka.No.245/2016-A4, dated 20.07.2016, in so far as deducting Rs.1,11,877.42 as excess payment said to have been made by the petitioner's deceased husband in respect of cotton transaction and the deduction of Rs.4,71,863/- by way of pending co-operative Thrift loan as on 20.7.2016 is concerned and quash the same, direct the respondents to pay all the terminal benefits due and payable to the petitioner on account of death of her husband within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran
For Respondents : Mr.L.P.Shanmugha Sundaram,
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, challenging the letter of the first respondent vide Na.Ka.No.245/2016-A4, dated 20.7.2016, in so far as deducting Rs.1,11,877.42 as excess payment said to have been made by his

deceased husband in respect of cotton transaction and the deduction of Rs.4,71,863/- by way of pending co-operative Thrift loan as on 20.7.2016 is concerned and consequently, to direct the respondents to pay all the terminal benefits due and payable to her on account of death of her husband within a stipulated time.

3. It is the case of the petitioner that her husband had worked as an Assistant Secretary in the second respondent cooperative society and he died on 4.7.2015 while in service. Thereafter, the petitioner made a representation to the second respondent to pay all the terminal benefits due and payable to her on account of the death of her husband. Since the same was not considered, she sent a representation to the Chief Minister's Cell and the same was forwarded to the first respondent. Thereafter, the first respondent gave a reply stating that a total amount of Rs.8,75,682/- is due and payable to the petitioner by way of terminal benefits and further, an amount of Rs.6,27,733.42 has to be recovered from the said amount. Hence, the petitioner sent a notice dated 3.8.2016 to the first respondent requesting him to furnish the information for the proposed recovery. Though the first respondent has received the said notice on 4.8.2016, till date, he has not sent any reply. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that though the present writ petition has been filed a larger relief, it would suffice, if a direction is issued to the first respondent to furnish the particulars sought for by the petitioner in her notice dated 3.8.2016.

5. In view of the said submission made by the learned counsel appearing for the petitioner, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to send a detailed representation seeking information for the proposed recovery, along with a copy of this order to the first 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 first respondent is directed to furnish the necessary particulars as sought for by the petitioner, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Joint Registrar of Co-operative
Societies,
Vellore Zone, Vellore.

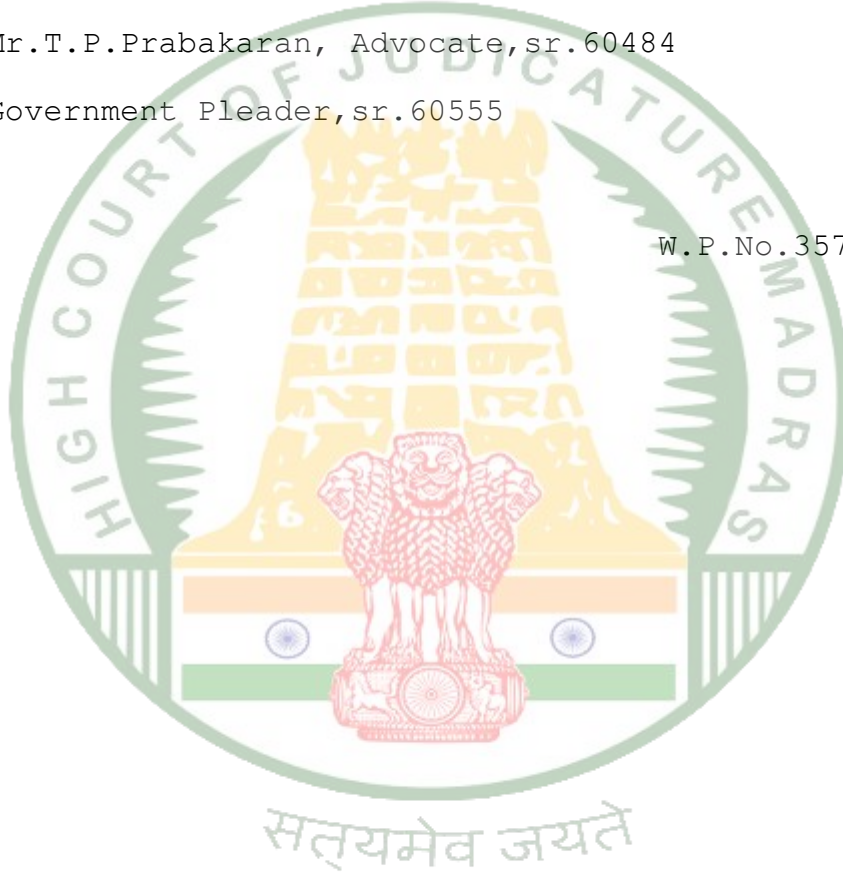
2.The President,
Madappalli Farmers Welfare,
Co-operative Society,
Vellore District,
Pin Code 635 653

+1 cc to Mr.T.P.Prabakaran, Advocate,sr.60484

+1 cc to Government Pleader,sr.60555

pk(co)
krd 21/11

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