

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.17992 and 17993 of 2017
and
WMP.Nos.19551,19552 and 19553,19554 of 2017

M.Gopal ... Petitioner in W.P.No.17992/2017

T.Kumaranathan ... Petitioner in W.P.No.17993/2017

Vs.

1. The President
Defence Employees Cooperative Thrift & Credit Society,
Fort St.George, Chennai-9.
2. The Commander Works Engineer,
Military Engineering Services,
Pallavan Salai, Chennai-2.
3. The Garrison Engineer,
St.Thomas Mount, Chennai-600 016.
4. The Assistant Garrison Engineer,
St.Thomas Mount, Chennai-600 016.

... Respondents in both W.Ps.

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned recommendation of recovery of salary issued by the 1st respondent dated 13.04.2017 to the 3rd respondent and consequential order for recovery of the petitioner's salary passed by the 4th respondent dated 22.05.2017, quash the same and consequently direct the 1st respondent to reimburse the amount recovered from petitioner salary for the month of May 2017.

For Petitioner in both W.Ps : M.Saravanan

For 1st Respondent in both W.Ps: Mr.L.P.Shanmugasundaram
Special Govt.Pleader

For Respondents 2 to 4 : Mr.Su.Srinivasan
in both W.Ps Assistant Solicitor
General of India

C O M M O N O R D E R

The petitioner in both the writ petitions has filed these writ petitions challenging the order passed by the 1st respondent society for recovery of loan dues to the society dated 13.04.2017. Pursuant to the said order, the 4th respondent has passed the recovery order against the petitioner.

2. The learned counsel for the respondents 2 to 4 would submit that these writ petitions are not maintainable in the light of the full Bench judgment of this Court. Further, as requested by the petitioner, monthly recovery amount has been restricted as Rs.3,000/-.

3. Therefore, the writ petitions challenging the order passed by the 1st respondent society dated 13.04.2017 is not maintainable in the light of the Full Bench judgment of this Court rendered in the case of K.Marappan v. The Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689, wherein, the relevant portion of the order is extracted as under:

"In the absence of special circumstances, the Court will not ordinarily exercise power under Article 226 of the Constitution of India when the Act provides for an alternative remedy."

4. Therefore, the petitioner is having an alternative remedy. Hence, in the light of the above cited judgment, these writ petitions are dismissed as not maintainable and liberty is given to the petitioner to approach the appropriate authority. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

ssn

To

1. The President

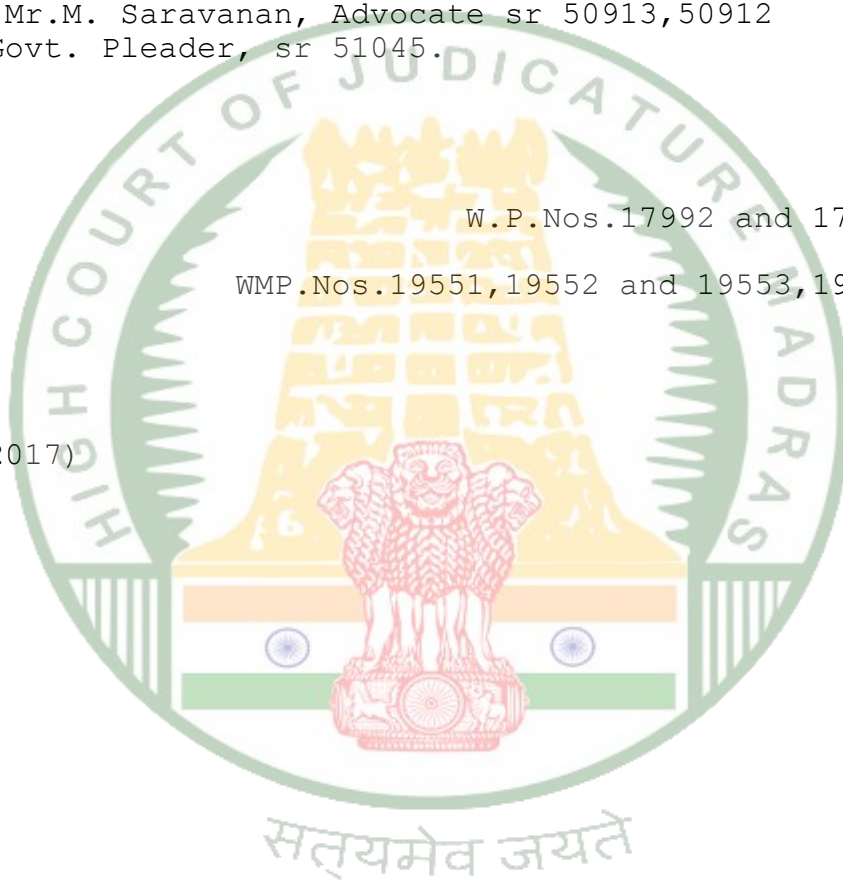
Defence Employees Cooperative Thrift & Credit Society,
Fort St.George, Chennai-9.

2. The Commander Works Engineer,
Military Engineering Services,
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St.Thomas Mount, Chennai-600 016.
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St.Thomas Mount, Chennai-600 016.

+2 Ccs to Mr.Su. Srinivasan, 50292,50293
+2 Ccs to Mr.M. Saravanan, Advocate sr 50913,50912
+1 CC to Govt. Pleader, sr 51045.

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SP(03/08/2017)



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