



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 14.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P(MD)No.20849 of 2017
and W.M.P. (MD) No.17144 of 2017

Vetriselvi

... Petitioner

vs.

- 1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai - 600 009.
- 2.The Secretary,
Ministry of Co-operative Societies,
Secretariat, Fort St. George,
Chennai - 600 009.
- 3.The Managing Director,
Chithamani Co-operative Super Market,
Puthur, Trichy -17.
- 4.The Joint Registrar,
Co-operative Societies,
Mannarpuram, Trichy - 20.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the original records pertaining to the Memorandum issued by the 3rd respondent vide Na/Ka/chin/1015/Insp/2017-18 நக/சந்/1015/இயவு/ 2017-18 dated 15.07.2017 in connection with the loss at Ariyamangalam Amma Pannai Pasumai Consumer Shop during July 2016 to June 2017 to the tune of Rs.2,74,431.84 and quash the same and further direct the respondents not to deduct the loss amount from the petitioner's monthly salary and to refund the already deducted amount to her and to grant other reliefs.

For Petitioner : Mr.R.Narayanan

For Respondents 1, 2 & 4 : Mr.N.S.Karthikeyan
Additional Government Pleader

ORDER

The petitioner, who is employed as a Sales Woman in the Ration Shop of the 3rd respondent, has filed this Writ Petition challenging the Memorandum dated 15.07.2017, issued by the 3rd respondent vide நக/சந்/1015/இயவு/2017-18 in connection with the loss at Ariyamangalam Amma Pannai Pasumai Consumer Shop during July 2016 to June 2017 to the tune of Rs.2,74,431.84 and for consequential direction to restrain the deduction of that amount from her monthly salary and to refund the amount already collected from her.



2. Heard Mr.R.Narayanan, learned counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the respondents 1, 2 & 4.

3. Learned counsel appearing for the petitioner submits that prior to the filing of the writ petition, the petitioner submitted her reply dated 25.07.2017 on receipt of the aforesaid impugned order from the 3rd respondent and thereafter, on an application made by the 3rd respondent before the 4th respondent, notice has been issued to the petitioner on 01.09.2017 for appearance of the petitioner on the hearing on 11.09.2017 in respect of the claim for the recovery of the aforesaid amount from the salary of the petitioner in terms of the impugned order.

4. Having regard to the fact that the 4th respondent is now seized of the matter, learned counsel for the petitioner has sought permission of this Court to withdraw this Writ Petition with liberty to the petitioner to place her objections regarding the claim made by the 3rd respondent in the aforesaid proceedings pending before the 4th respondent.

5. Recording the same, this Writ Petition is dismissed as withdrawn with the aforesaid liberty. It is needless to add here that it is incumbent upon the 4th respondent to dispassionately consider all the objections raised by the petitioner in her aforesaid representation dated 25.07.2017 regarding the claim made by the 3rd respondent in the impugned order dated 15.07.2017 and pass reasoned orders on merits and in accordance with law and communicate such decision to the petitioner. It is further made clear that the 3rd respondent shall not make any recovery from the salary of the petitioner based on the impugned order without prior permission from the 4th respondent and without notice to the petitioner in that regard in those proceedings before the 4th respondent. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The Chief Secretary, Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai - 600 009.
2. The Secretary, Ministry of Co-operative Societies,
Secretariat, Fort St. George, Chennai - 600 009.
3. The Joint Registrar, Co-operative Societies,
Mannarpuram, Trichy - 20.

+One cc to M/s.T.Banumathy, Advocate, SR.No.86962

sj

RL/5C/2P/SV/MMS/SAR1/30/11/2017

order in

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14.11.2017