

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Review Application No.186 of 2018
in
Writ Petition No.4 of 2018

The President
Cuddalore District Public Health
Department Employees Cooperative
Credit Society Ltd., FC 2830
No.9, Appavoo Street
Dr.Sedhu Clinic Upstairs
Pudupalayam, Cuddalore-1

.. Review Applicant/Respondent No.4

-vs-

1. G.Jayanthi .. Respondent No.1/Writ Petitioner
2. The Registrar of Cooperative Societies
No.170, E.V.R.Periyar High Road
N.V.N.Natarajan Maaligai
Kilpauk, Chennai 600 010
3. The Joint Registrar of Cooperative Societies
Cuddalore Region
Beach Road
Saravanabava Supermarket Compound
Pudupalayam, Cuddalore-1
4. The Deputy Registrar of Cooperative Societies
Cuddalore Circle
No.8, Dhandapani Nagar
Maruthi Hospital Backside
Vilva Nagar
Cuddalore-1 .. Respondents 2 to 4/Respondents 1 to 3

Memorandum of Grounds of Review Application under Order 47
Rule 1 read with Section 114 of Civil Procedure Code, to review
the order dated 3.1.2018 made in W.P.No.4 of 2018.

W.P.No.4 of 2018:-

Petition filed under Article 226 of the Constitution of

India Seeking a Writ of Mandamus directing the respondents to disburse the petitioners retirement benefits like earned leave and unearned leave on private affairs to the tune of Rs.3,65,944/- together with 12% interest from date of retirement i.e. on 30.9.2016 to the petitioner.

For Review Applicant:: Mr.L.P.Shanmugasundaram
Special Government Pleader

For Respondents :: Mr.C.Prakasam for R1
Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 to 4

ORDER

This review application has been filed to review the order passed by this Court in Writ Petition No.4 of 2018 dated 3.1.2018.

2. The learned Special Government Pleader for the review applicant-President of Cuddalore District Public Health Department Employees Cooperative Credit Society Limited submitted that there was an outstanding amount of Rs.99,236/- towards the loan obtained by the first respondent's friend, for which the first respondent/writ petitioner stood as a guarantor. When the said loan has not been cleared by the borrower, the review applicant is entitled to deduct a sum of Rs.99,236/- from the sum of Rs.3,65,944/- due and payable to the writ petitioner, as she was the guarantor and shall pay the balance amount of Rs.2,66,708/- to her. Since this fact was not brought to the notice of this Court by the writ petitioner when the writ petition was heard and disposed of, the review applicant is constrained to file this review application.

3. The learned counsel for the first respondent/writ petitioner also, agreeing to the said proposal, fairly submitted that the first respondent/writ petitioner will receive the balance amount of Rs.2,66,708/- from the review applicant after the deduction of the loan dues to the tune of Rs.99,236/-.

4. As the learned counsel for the first respondent/writ petitioner has agreed for deduction of a sum of Rs.99,236/- by the review applicant out of the sum of Rs.3,65,944/- and also for payment of the balance amount of Rs.2,66,708/- to the first respondent, this Court directs the review applicant to deduct a sum of Rs.99,236/- from and out of the sum payable to the writ petitioner and pay the balance amount of Rs.2,66,708/- to her, within a week from the date of receipt of a copy of this order.

With this direction, the review application stands disposed of.
Consequently, W.M.P.No.36492 of 2018 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Registrar of Cooperative Societies
No.170, E.V.R.Periyar High Road
N.V.N.Natarajan Maaligai
Kilpauk, Chennai 600 010
2. The Joint Registrar of Cooperative Societies
Cuddalore Region
Beach Road
Saravanabava Supermarket Compound
Pudupalayam, Cuddalore-1
3. The Deputy Registrar of Cooperative Societies
Cuddalore Circle
No.8, Dhandapani Nagar
Maruthi Hospital Backside
Vilva Nagar
Cuddalore-1
4. The President
Cuddalore District Public Health
Department Employees Cooperative
Credit Society Ltd., FC 2830
No.9, Appavoo Street
Dr.Sedhu Clinic Upstairs
Pudupalayam, Cuddalore-1

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.81537

Review Appln.No.186 of 2018
in W.P.No.4 of 2018

SSI(CO)
CS/07/01/2019