



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.11.2018

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WEB COPY

W.P.(MD)No.796 of 2017

and

W.M.P.(MD)No.17628 of 2017

R.Murugesan

... Petitioner

/Vs./

1.The Joint Director of Medical & Rural Health Services &
Family Welfare,
Periyakulam @ Theni, Theni District.

2.The Chief Medical Superintendent,
Government Hospital,
Periyakulam, Theni District.

3.The Co-operative Sub Registrar / Managing Director,
M.M.3144, Medical Department Employees,
Co-operative Thrift Society Limited,
Madurai Medical College,
Madurai District - 625020.

4.The Secretary,
M.M.3144, Medical Department Employees,
Co-operative Thrift Society Limited,
Madurai Medical College,
Madurai District - 625020.

5.P.Baskaran

... Respondents

[R-5 is impleaded vide Court order dated 23.02.2017
in W.M.P.(MD)No.1551 of 2017.]

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 & 3 to refund a sum of Rs.1,51,200/- recovered from out of the petitioner's DCRG of Rs.3,71,613/- authorized by the Accountant General of Tamilnadu, Chennai with an interest of 12% per annum by considering the petitioner's representation dated 15.10.2015.

For Petitioner: Mr.C.Vetrian

For R-1 & R-2 : Mr.J.Gunaseelan Muthiah

Additional Government Pleader

For R-3 & R-4 : Mr.K.R.Laxman

ORDER

The grievance of the petitioner is that a sum of Rs.1,51,200/- was recovered from his DCRG benefits and therefore, the same has to be returned with interest. Whereas, the counter filed by the fourth respondent indicated that the petitioner herein has stood guarantee for the loan availed by one of the co-workers by name P.Baskaran and the principal borrower has failed to repay the loan availed from Co-operative Thrift Society Limited. Hence, the sum of Rs.1,51,200/- was retained from the DCRG benefits of the Guarantor, applying the principle that the guarantor and the principal borrower jointly or separately liable. The said amount was retained due to default in payment by the principal borrower namely P.Baskaran.

2. The said order of retaining Rs.1,51,200/- from the DCRD benefits of the petitioner was consequential order pursuant to the order passed by the Accountant General of Tamil Nadu, Chennai. The Joint Director of Medical and Rural Health Services and Family Welfare, Theni vide letter dated 19.09.2018 has informed that the loan dues recoverable from Murugesan (the petitioner herein) has been returned to him on 13.03.2018 after settlement of the accounts. This information has been received by the learned counsel appearing for the petitioner herein through RTI and the learned counsel has also fairly circulated the communication to intimate the Court that dues have been paid to the petitioner herein on 13.03.2018.

3. In the light of the above fact, this Court finds that nothing survives in this writ petition. The fourth respondent has rightly withheld the loan amount in view of the default in payment by the principal borrower. Hence, no other is required. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Rti)

/True Copy/

Sub Assistant Registrar(CS-I)

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To

1.The Joint Director of Medical & Rural Health Services &
Family Welfare,
Periyakulam & Theni, Theni District.



2.The Chief Medical Superintendent,
Government Hospital,
Periyakulam, Theni District.

- 1 CC TO Mr.C.Vetrian , ADVOCATE IN SR No. 95897.
+1 cc to Special Government Pleader, SR.No.96404.

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Order made in
W.P.(MD)No.796 of 2017
19.11.2018