

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-03-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.16814 of 2018

S.Sekar

.. Petitioner

- Vs. -

1.The Principal Secretary to Government,
Social Welfare and Noon Meal Department,
Chennai-600 0091.

2.The Director,
Social Welfare Department,
Panagal Maligai,
Saidapet,
Chennai-600 015.

3.District Social Welfare Officer,
Nagapattinam.

4.The Registrar,
Tamil Nadu Co-operative Societies,
Kilpauk,
Chennai-10.

5.The Secretary,
Revenue Employee Co-operative Thrift Society,
Collectorate,
Trichirapalli.

6.The Secretary,
Social Welfare Department Employees
Co-operative Society,
No.5, Sesasalam Road,
Saidapet,
Chennai-15.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the third respondent to consider the petitioner's
representation dated 11.1.2018.

For Petitioner

: Mr.P.Satheesh Kumar

For Respondents-1to3

: Mr.R.S.Selvam,
Government Advocate.

For Respondents-4to6 : Mr.L.P.Shanmugasundaram,
Special Government Pleader
(Co-op.).

O R D E R

The relief sought for in the present writ petition is for a direction to direct the third respondent to consider the representation submitted by the writ petitioner on 11.1.2018.

2. Admittedly, the writ petitioner, who was employed in the Department of Social Welfare, borrowed a loan from the fifth respondent Co-operative Society. The writ petitioner retired from service on 30.4.2015 on attaining the age of superannuation. However, the writ petitioner was not permitted to retire from service and his services were extended on account of the fact that a criminal case was registered against him and the same was pending on the file of the learned Judicial Magistrate IV, Tiruchirapalli.

3. The learned counsel for the writ petitioner states that the writ petitioner is ready and willing to settle the loan amount and he is aggrieved on account of the exorbitant charge on penal interest.

4. This Court is of an opinion that in respect of waiver of interest or penal interest, the writ petitioner has to approach the competent authorities and this Court in a writ proceeding cannot grant the relief of waiver of interest or penal interest.

5. In this regard, the writ petitioner is at liberty to approach the competent authorities for waiver of penal interest, if any, permissible with reference to the terms and conditions of the loan or with reference to the Rules in force.

6. With the above observations, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Svn
To

1.The Principal Secretary to Government,
Social Welfare and Noon Meal Department,
Chennai-600 009.

2.The Director,
Social Welfare Department,
Panagal Maligai,
Saidapet,
Chennai-600 015.

3.District Social Welfare Officer,
Nagapattinam.

4.The Registrar,
Tamil Nadu Co-operative Societies,
Kilpauk,
Chennai-10.

5.The Secretary,
Revenue Employee Co-operative Thrift Society,
Collectorate,
Trichirapalli.

6.The Secretary,
Social Welfare Department Employees
Co-operative Society,
No.5, Sesasalam Road,
Saidapet,
Chennai-15.

+1 cc to Government Pleader SR.NO. 21507,21508,21531

WP 16814 of 2018

A.SK(01/04/2019)

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