

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.06.2019

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WRIT PETITION NO.18556 OF 2019

&

W.M.P.NO.17878 OF 2019

- 1.K.Subramani
- 2.V.Charles
- 3.Santhamoorthy
- 4.Karnan
- 5.Vasanthi
- 6.Elango
- 7.Subramani
- 8.Easwari
- 9.Mala
- 10.Kumar

...Petitioners

Vs.

1. The Commissioner,
Municipal Administration,
Chepauk, Chennai-600 005
2. The Sanitary Workers Co-operative
Thrift and Credit Society,
rep.by its Secretary, Coonoor
3. The Commissioner,
Coonoor Municipality,
Coonoor

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus directing the respondents to furnish the petitioners with the statement of account in regard to loan availed of from the second respondent society and the deductions made so far from out of salaries of the petitioners by the third respondent Municipality and further direct the second respondent to restraining charging any interest on the loan amount payable by the petitioners.

For Petitioners : Mrs.Dakshayani Reddy

For Respondents : Mr.J.Pothiraj,
Special Government Pleader

ORDER

The petitioners joined the services of the third respondent Municipality as Sanitary Workers initially on consolidated basis and their services were regularised in 1981. Sanitary workers have formed a Society called 'Coonoor Municipality Workers Co-operative Thrift and Credit Society'. The employees can deposit money by way of savings in the Society and the Society will also grant loan to the members of the Society as and when they require. The salary of the employees will be directly deducted by the third respondent Municipality and the amount so deducted would be remitted to the second respondent Society directly.

2. While things stood thus, the petitioners along with other employees of the third respondent Municipality availed loan from the second respondent Society on various dates. The loan amounts were deducted from the salaries of the concerned employees, towards repayment of the loan. The borrowers were given concession that if the installment was paid before 5th of every month, nominal interest would be charged and if the installment was paid after 5th, compound interest would be levied. It is the grievance of the petitioners that the third respondent Municipality was paying salaries to them only after 10th of every month instead of last working day and therefore, they could not repay their loan installment before 5th of every month, which resulted in the levy of compound interest on the petitioners. The petitioners also make allegation that the amounts deducted from their salary were not properly remitted to the Society. Hence, the Society issued notice to the petitioners and others calling upon them to repay a huge amount towards loans availed by them. Hence the petitioners seek statement of account from the Society. Since, the same was not furnished, the petitioners are before this Court with this writ petition seeking for issue of writ of mandamus.

3. Heard the learned counsel for the petitioners and Mr. J. Pothiraj, learned Special Government Pleader, who takes notice on behalf of the respondents.

4. Though this Court has its own doubt about the maintainability of the writ petition, still in view of the limited prayer sought in the writ petition, a direction is issued to the second respondent Society to furnish statement of account to each of the petitioners as to what was the amount borrowed, the rate of interest charged and the amount so far repaid, within a period of four weeks from the date of receipt of copy of this order.

The writ petition stands disposed of accordingly. No costs.
Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Commissioner,
Municipal Administration,
Chepauk,
Chennai-600 005
2. The Secretary,
The Sanitary Workers Co-operative
Thrift and Credit Society,
Coonoor
3. The Commissioner,
Coonoor Municipality,
Coonoor

+1cc to Mrs.Dakshayani Reddy, Advocate, S.R.No.53909

Writ Petition No.18556 of 2019

BS(CO)
CS/29/07/2019

सत्यमेव जयते
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