

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4826 of 2020

F.V.107, Villupuram Educational District
School Employees Cooperative
Thrift & Credit Society Ltd.,
Rep.by its President,
K. Duraisamy

... Petitioner

Vs.

1.The Joint Director of School Education,
(Personnel), DPI Compound,
College Road, Chennai - 600 006.

2.The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram,
Villupuram District.

3.The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram,
Villupuram District.

4.The Chief Educational Officer,
Villupuram, Villupuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the 4th respondent to comply the order passed by the 1st respondent in his proceedings Na.Ka.No.41359/C5/E3/2019, dated 22.08.2019 by issuing necessary orders to the concerned Pay Disbursing Officers for collecting loan amount from the borrowers including arrears together with interest and deposit the same in the petitioner society.

For Petitioner : Mr. C. Prakasam

For Respondents : Mrs.V. Annalakshmi, for R1 & R4
Government Advocate

Mr. L.P. Shanmuga Sundaram, for R2 & R3
Special Government Pleader

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the fourth respondent to comply with the direction issued by the first respondent by proceedings dated 22.08.2019 and deduct the loan amounts that are payable by the respective teachers to the petitioner society.

2. The case of the petitioner is that he is the President of the petitioner society and teachers and staffs belonging to various educational departments have borrowed loans from the petitioner society. The loan has to be re-paid by way of deduction from the salary of those teachers and staffs.

3. The grievance of the petitioner is that no deduction is being made from the salary of the teachers and staffs and as a result of the same, the loan amount is not being re-paid back to the society.

4. This was brought to the notice of the first respondent and the first respondent by his proceedings dated 22.08.2019 has directed the fourth respondent to immediately take action to ensure that the loan amount is re-paid back to the society by deducting from the monthly salary of the concerned teachers and staffs. Since this direction was not complied with by the fourth respondent, the present writ petition has been filed before this Court.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

6. It is clear from the proceedings of the first respondent that a loan amount has been taken by teachers and staffs belonging to education department from the petitioner society. The same used to be re-paid back by way of deduction from their monthly salary. The competent authority to execute the same is the fourth respondent. Since the re-payment stopped and no steps were taken to deduct from the monthly salary, the petitioner society had made a representation to the first respondent. The first respondent by proceedings dated 22.08.2019 has directed the fourth respondent to immediately start the process by deducting the amount from the salary of the teachers and staffs and re-pay it to the petitioner society. The fourth respondent is bound to comply with the said direction given by the first respondent. Since the same has not been done, the petitioner who is the President of the society is now constrained to approach this Court.

7. This writ petition is disposed of with the direction to the fourth respondent to comply with the direction issued by the first respondent by proceedings dated 22.08.2019 and start the process of deducting the amount from the monthly salary of the teachers and staffs in order to re-pay back the loan to the petitioner society. This process shall be commenced by the fourth respondent forthwith. The petitioner is directed to make a fresh representation to the fourth respondent along with a copy of this order. A copy of the same shall be marked to the first respondent.

8. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

- 1.The Joint Director of School Education,
(Personnel), DPI Compound,
College Road, Chennai - 600 006.
- 2.The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram,
Villupuram District.
- 3.The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram,
Villupuram District.
- 4.The Chief Educational Officer,
Villupuram, Villupuram District.

+1cc to Spl Government Pleader (CO-OP) SR.17169
+1cc to the Government Pleader SR.17746

RV(CO)
CB(27/05/2020)

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