



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.15837 of 2018

and

W.M.P. (MD) .No.14173 of 2018

K.Nagalakshmi

... Petitioner

VS.

- 1.The Joint Director of Co-operative Societies,
Tiruchirapalli Region,
Tiruchirapalli 620 020.
- 2.The Deputy Registrar of Co-operative Societies,
Tiruchirapalli Circle,
Tiruchirapalli 620 020.
- 3.The Secretary,
YT50, Tiruchirapalli District Public
Health Department Employees Co-operative
Thrift and Society Limited,
E.V.R. Road,
Puthur,
(Opposite to Super Market),
Tiruchirapalli 620 017.
- 4.The Block Medical Officer,
Primary Health Centre,
Inamkulathur,
Tiruchirapalli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent dated 19.06.2018 and quash the same and consequently direct the respondents 1 to 3 to close Membership of the petitioner in YT50, Tiruchirapalli District Public Health Department Employees Co-operative Thrift and Society Limited, E.V.R. Road, Puthur, Tiruchirapalli and repay the share capital and saving bank deposits and the interest accrued therein.



For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.V.Om Prakash
Government Advocate

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O R D E R

The petitioner claims to have been employed as a Village Health Nurse in the Inamkulathur Primary Health Centre. She was a Member of the Tiruchirapalli District Public Health Department Employees Co-operative Thrift and Credit Society and had obtained a medium term loan of Rs.1,00,000/- in August 2004 from the Society, which was to be repaid in 40 equal monthly installments.

2. The Society had become defunct and has been closed from December 2004. Admittedly, the equated monthly installments had not been deducted from her salary and she has thus not repaid the loan in full. Departmental as well as criminal action stated to have been pending against the delinquent employees and Management of the Society in this regard.

3. While this is so, she was due to retire in May 2018, and was to to obtain a no-dues certificate from the Society in line with a tripartite agreement entered into between the petitioner, R3 Society and tR4 ie., the Block Medical Officer of the Primary Health Centre, the employer of the petitioner.

4. She has however been unable to obtain the certificate as required, since the Society is non-functional. Though she has retired, her retirement benefits have thus not been settled to her. She has made a representation in this regard as this was not disposed, a writ petition had been filed by her in W.P.(MD).No.9751 of 2018, wherein this Court directed the respondents to consider her representation, in line with the principles of natural justice.

5. Impugned order dated 19.06.2018 has come to be passed by R3, without hearing her as specifically directed by the Court. Hence, this writ petition, where she alleges violation of principles of natural justice, rightly so, as well as challenges the conclusion of the authority that the outstanding due to the Society must be settled prior to the settlement of her retirement benefits.

6. Since there are disputes touching upon various factual issues that arise in this matter, it would be appropriate that the petitioner be directed to approach the Registrar of Co-operative Societies in terms of Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 for resolving of such a dispute.

7. As Section 90 of the Act provides for the resolution of disputes of any 'aggrieved person', the petitioner satisfies such



requirement and any appeal filed by her shall be held to be competent. The petitioner is given a period of six weeks to approach the Registrar in this regard and with this liberty, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Akv

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

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- 4.The Block Medical Officer,
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Tiruchirapalli District.

+1 CC to M/s.SPL GP (SR-40484[F] dated 27/12/2021)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-40391[F] dated 23/12/2021)

W.P. (MD) No.15837 of 2018

23.12.2021

_RD(02.02.2022) 3P 7C

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