

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21206 of 2022

S.Sheela Devi

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Thiruchirappalli Region,
O/o.Joint Registrar of Co-operative Societies,
Thiruchirappalli District.

2.The Deputy Registrar of Co-operative Societies,
(Public Distribution System),
Thiruchirappalli,
Thiruchirappalli District.

3.The Sub Registrar of Co-operative Societies,
(Public Distribution System),
Pullampadi Post,
Thiruchirappalli District.

4.The President,
TY.SPL92,Pullampadi Primary Agricultural
Co-operative Credit Society,
Pullampadi Post, Lalgudi Taluk,
Thiruchirappalli District – 621 717.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to direct the fourth respondent to refund the amount of Rs.1,68,375/- paid by the petitioner on 14.12.2015 and 17.12.2015 with an accrued interest of 6.5 percent from the date of deposit of the amount, by considering the representation of the petitioner dated 03.02.2022 within a time frame as fixed by this Court.

For Petitioner : Mr.S.Karthikeyan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The case of the writ petitioner is that she joined the fourth respondent Society as Sales Woman in the year 1999. An allegation was made in the year 2015 that there was misappropriation of the funds of the Society to the tune of Rs.1,61,925/-. The petitioner states that she was made to pay a sum of Rs. 1,68,375/-. Thereafter, Crime No.28 of 2016 was also registered. The criminal case ended in acquittal on 19.06.2017 in C.C.No.82 of 2016 on the file of the Judicial Magistrate Court No.VI, Trichy. The petitioner was initially dismissed from service and later reinstated by virtue of the orders of this Court. Now, the

petitioner wants the amount deposited by her to be refunded with accrued interest. In this regard, the petitioner made a representation dated 03.02.2022. Since it has not been considered, the present writ petition came to be filed.

3. When the matter was taken up for admission, the learned Additional Government Pleader appearing for the respondents sought time to file counter. I am however of the view that this is not a case in which relief can be granted to the writ petitioner. It is true that an allegation was made that the funds of the Society has been misappropriated to the tune of Rs.1,68,375/-. It was the petitioner who made good the said loss on various dates by remitting the entire amount. Merely because she was subsequently acquitted in the criminal case, that by itself will not enable the petitioner to reclaim the amount deposited by her. The petitioner in the affidavit filed in support of the writ petition had claimed that she was coerced, pressurized, compelled and threatened. Though such serious allegations have been made, the details are completely absent. The petitioner had not stated as to when and where she was threatened. She had not named the person who threatened her. No individual has been implicated in person in this writ petition. Therefore, it is not possible for this Court to investigate the said allegation. It is true that the petitioner has been acquitted. I would not rule out the possibility that the mind of the trial Judge was swayed by the fact that the loss has been made good by the petitioner. The fact is that

the petitioner had made good the loss notwithstanding the pendency of the criminal case. When the petitioner was removed from service vide order dated 07.10.2017, the same was challenged in W.P(MD)No.1190 of 2018. The matter was listed before me. It was submitted before me that the petitioner without prejudice to her stand had remitted the entire amount. In view of the said submission, I set aside the punishment imposed on the petitioner. The amount was remitted way back in December 2015. After a gap of seven years, it is not open to the petitioner to seek its refund. If the petitioner had made the payment with the condition that she would demand the money back after acquittal/ exoneration, then I can understand. That is not the case here. The payment was made unconditionally.

4.In this view of the matter, I do not find any ground to grant relief. This writ petition is dismissed. No costs.

06.09.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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