



WP(MD)No.293 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

W.A.(MD)No.345 of 2013

B.Janakiram

..Appellant

Vs.

1.The Registrar of Cooperative Societies
NVN Natarasan Maaligai
EVR Periyar High Road, Kilpauk
Chennai 600 010.

2.The Dindigul Cooperative Primary Agricultural &
Rural Development Bank Limited, No.DD.116
rep. by its Special Officer,
58 New Agraharam
Dindigul 624 001

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order
dated 15.03.2013 made in WP(MD) No.2419/2011.



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For Appellant : Mr.R.Krishnamoorthy
For Respondents : Mr.S.Seenivasagam for R2
Mr.R.Ragaventhiran for R1
Government Advocate

JUDGMENT

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

This writ appeal has been directed against the order of the writ Court dated 15.03.2013 made in WP No.2419/2011.

2. The appellant was the employee of the respondents against whom some recovery proceedings was initiated, ultimately, the Government issued G.O.Ms.No.186 dated 16.08.2000, pursuant to which, due to audit objection some amount has to be recovered from him because an excess amount of Rs.42,378/- since was paid to the appellant based on an alleged settlement entered into between the appellant and the board of cooperative societies and the said settlement deed itself was held to be illegal and therefore, the excess amount paid to the appellant had to be necessarily recovered.



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3. In this context, the G.O.No.186, wherein recovery was passed that was challenged in the writ petition filed by the appellant in WP No. 23476/2008.

4. During the pendency of the writ petition, though initially an order of stay was granted, subsequently since the appellant was due to retire from service, an interim arrangement was made and the earlier interim order passed in this regard was modified by the writ court on 16.07.2009 stating that subject to the outcome of the writ petition, the respondents therein were directed to disburse the terminal benefits.

5. Accordingly, the entire terminal and monetary benefits were disbursed except retaining a sum of Rs.42,378/- from the provident fund.

6. Subsequently the said writ petition also was dismissed by the writ court by order dated 17.04.2012 by thus, the said G.O.186 has become operational and enforceable.



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7. Since that G.O become operational and equally enforceable, recovery notice for recovering the said amount, since has been passed by the respondents that has been under challenge in the writ petition in W.P.(MD) No.2419/2011.

8. This writ petition came to be dismissed by the impugned order of the writ court dated 15.03.2013.

9. Heard the learned counsel for the appellant and the learned counsel for the respondents.

10. We have perused the materials placed before this Court including the impugned order, where the learned Judge, after having narrated the aforesaid facts, where the base order, namely, G.O. 186 referred to above, having been challenged was upheld, the order impugned before the writ court in the current line of litigation, is only a consequential order. Therefore, even the plea raised on behalf of the appellant before the writ court that no notice has been given before passing any order also has been negated, of course rightly, by the writ court.



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11. In view of the said facts and circumstances, the learned Judge came to a right conclusion that the order impugned before the writ court for recovering the said amount had already been issued by the respondents, which was apparently against the appellant is concerned, is fully justifiable and on that ground, the writ petition was dismissed. The said order passed by the learned Judge, which is impugned herein, in the considered view of this court does not warrant interference of this Court and hence, it is to be sustained. Accordingly, the writ appeal is dismissed. No costs.

(R.S.K.,J.) (K.K.R.K.,J.)
27.03.2023

NCC : Yes/No
Index : Yes/No

RR

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