



1

W.P.(MD)NO.28224 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28224 of 2022 and
W.M.P.(MD)No.22298 of 2022

C. Maheswari

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District.

2. The Deputy Registrar,
TN Co-operative Society,
Tirunelveli District.

3. The Manager,
Melacheval Primary Co-operative Society,
Melacheval, Tirunelveli District. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the second respondent, vide Ref.No.NA.Ka. 37/2022: Ve.Sa (2) dated 02.08.2022 and quash the same and consequently directing the second respondent to incorporate the petitioner's name in loan waiver scheme to avail benefit of Go.Ms.No.97 dated 01.11.2021 (Co-operation, Food and Consumer Protection Department).



For Petitioner : Mr.S.Micheal Heldon Kumar

For R-1 & R-2 : Mr.S.R.A. Ramachandran,
Additional Government Pleader.

For R-3 : No Appearance

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner availed jewel loan from the third respondent society. She has been denied the benefit of waiver on the ground that her husband is an employee in the third respondent society.

3. It is not in dispute that the petitioner's husband is working only as a jewel appraiser in the third respondent society. It has been held time and again that unless there is a sanctioned post of jewel appraiser, the person engaged as a jewel appraiser is not an employee of the society. The learned counsel appearing for the petitioner draws my attention to the



order dated **16.09.2019** made in **W.P. No.22161 of**

2004 (B.Bheman V. Special Officer, Nilgiri District

Central Co-operative Bank, Udhagamandalam). Only if

the petitioner's husband has been an employee in the real

sense, the petitioner could have been denied the benefit of

waiver. Since he is not an employee of the society, the

impugned order is clearly not sustainable and the same is

quashed. It is made clear that the petitioner is entitled to the

benefit of waiver set out in G.O.Ms.No.97 (Co-operation, Food

and Consumer Protection Department) dated 01.11.2021.

4. This writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

05.01.2023

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The District Collector, Tirunelveli District.
2. The Deputy Registrar,
TN Co-operative Society, Tirunelveli District.
3. The Manager,
Melacheval Primary Co-operative Society,
Melacheval, Tirunelveli District.



WEB COPY



4

W.P.(MD)NO.28224 OF 2022

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.28224 of 2022

05.01.2023