



W.P. No.25154 of 2010

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.09.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P. No.25154 of 2010**

**and**

**M.P. No.2 of 2010**

1.C.Natarajan  
2.D.Murugan  
3.V.Thirukannan  
4.V.Rajendran  
5.K.Ponnusamy  
6.P.Somasundaram  
7.R.Kaviselvam

... Petitioners

**Vs.**

1.The Registrar of Co-operative Societies,  
Kilpauk, Chennai-10.  
  
2.The Special Officer,  
Ramnad District Consumers Co-operative.  
Wholesale Stores Ltd.,  
No.265-F, Vandikkara Street,  
Ramnad.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1<sup>st</sup> Respondent in his proceedings Na.Ka.88821/2010 Nu.Ku.Pa-2, dated 01.10.2010 and quash the same.



W.P. No.25154 of 2010

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For Petitioners

: Mr.K.Vasudevan

For Respondents

: Mr.P.Ganesan

Government Advocate

### **ORDER**

This writ petition has been filed questioning the impugned proceedings dated 01.10.2010 whereby the 1<sup>st</sup> Respondent directed the 2<sup>nd</sup> Respondent to recover the excess amount of dearness allowance paid to the employees of the Respondent stores and other similarly situated stores by referring to different government orders and also about the liability of the 2<sup>nd</sup> Respondent stores. The impugned order is only a communication between the 1<sup>st</sup> Respondent and the 2<sup>nd</sup> Respondent however, the 1<sup>st</sup> Respondent issued the impugned order straight away directing recovery of the dearness allowance amount that is said to have been paid in excess to the employees of the 2<sup>nd</sup> Respondent stores.

2. This Court had passed an interim order dated 09.11.2010 granting interim stay and the same is still in operation and the impugned order is not given effect to.

3. The said impugned proceedings of the 1<sup>st</sup> Respondent was issued behind the back of the petitioners. The 1<sup>st</sup> Respondent directed the 2<sup>nd</sup> Respondent to recover the amount paid in excess without affording any opportunity to the



W.P. No.25154 of 2010

petitioners. In the circumstances, the impugned proceedings is liable to be set aside on the ground of violation of principles of natural justice and is accordingly set aside leaving it open to the Respondents to take steps in accordance with law. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**24.09.2024**

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

mka

To:

1.The Registrar of Co-operative Societies,  
Kilpauk, Chennai-10.

2.The Special Officer,  
Ramnad District Consumers Co-operative.  
Wholesale Stores Ltd.,  
No.265-F, Vandikkara Street,  
Ramnad.



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W.P. No.25154 of 2010

**MUMMINENI SUDHEER KUMAR, J.**

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**W.P. No.25154 of 2010**  
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**24.09.2024**