



W.P. No.4903 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM:

THE HONOURABLE **Mrs. JUSTICE V. BHAVANI SUBBAROYAN**

W.P. No.4903 of 2024
and W.M.P.Nos.5372 of 2024

S.Baby

.. Petitioner

Versus

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Co-operation, Food and Consumer Protection Department,
Rajaji Salai, Fort St. George,
Chennai – 600 009.
2. District Collector,
Office of Collectorate,
Tirupur District.
3. The Manager,
Erode District Central Co-operative Bank Ltd.,
Uthukuli Branch,
Erode – 638 751.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the proceedings of the first respondent's G.O.(Ms.) No.114 Co-operation, Food and Consumer Protection (CC1) Department dated 03.12.2021,



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in respect of Clause (xxiii) of Annexure, quash the same and consequently direct the second respondent to waive the loan of Rs.1,62,160/- of petitioner's loan and give the No-objection certificate to the petitioner.

For Petitioner : Mr.P.Saravanan
For Respondents : Mr.P.Vijayadevi
Government Advocate for R1
Mr.A.M.Ayyadurai
Government Advocate for R2
Mr.N.Naveenkumar for R3

ORDER

This writ petition has been filed challenging the proceedings of the first respondent in G.O.(Ms.) No.114 Co-operation, Food and Consumer Protection (CC1) Department, dated 03.12.2021, and to direct the second respondent to waive a sum of Rs.1,62,160/- towards petitioner's loan and give No-objection certificate to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is a member of Self-Help Group in Uthukuli namely “Sri Amman Thunai”. The petitioner along with their Group applied for a loan from the third respondent bank where they maintain Accounts namely Erode District Central Co-



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operative Bank Ltd, Uthukuli Branch, Erode District. On 17.09.2020 the third respondent Bank sanctioned loan and it was equally apportioned by 12 members of the said Group and the amount was collected by way of down payment. In the meantime, the Government has announced waiver for the loans obtained by the Woman Self-help groups by way of G.O.(Ms). No.114 Co-operation, Food and Consumer Protection (CC1) Department dated 03.12.2021. After conducting enquiry, the third respondent bank waived the loans obtained by the petitioner's group.

3. The contention of the learned counsel for the petitioner is that the petitioner's name was left in the beneficiaries list only for the reason that during the course of enquiry the committee found that the petitioner is a Government employee in the Panchayat Middle School, Reddiyarpalayam, Tiruppur District. But the petitioner is working only as a temporary cleaning worker in primary school. In this regard, the petitioner has given a representation to the second respondent for waiving her loan. However, the third respondent has issued a notice to repay the loan amount of Rs.1,62,160/- within three days. Left with no other alternate remedy, the petitioner has filed this writ petition.



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4. The third respondent has filed a report by stating that the Committee has followed the rules and regulations which is stated in G.O.(Ms) No.114 dated 03.12.2021 in respect of Clause (XXIII) of Annexure and a forfeiture notice has also been issued to the petitioner on 29.01.2024. Hence, it is stated that the third respondent has not committed any violation of any of the rules of the first respondent.

5. The learned counsel for the first respondent submitted that the first respondent has already consider the case of the petitioner.

6. It is seen from the averments that the petitioner was working as a temporary cleaning work in a Primary School, Uthukuli and the said wage was given by the Panchayat Level Federation (PLF) account and not from the Government account. The letter from the said panchayat union also would show that the petitioner was not working permanently and she was only a temporary worker coming to school for such work and due to her health condition she was not appointed further. Since the petitioner is not a Government employee and her case has to be considered positively by the authorities concerned.



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7. Accordingly, this writ petition is disposed by directing the first respondent to consider the case of the petitioner and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

No costs. Connected miscellaneous petition is closed.

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Index: Yes / No

Speaking order / Non speaking order

Neutral Citation Case: Yes / No

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To

1. The Secretary,
Government of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
Rajaji Salai, Fort St. George,
Chennai – 600 009.
2. The District Collector,
Office of Collectorate,
Tirupur District.
3. The Manager,
Erode District Central Co-operative Bank Ltd.,
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V. BHAVANI SUBBAROYAN, J.,

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