



W.P.Nos.14897 & 14903 of 2023

(In both W.P.s')

For Petitioners : Mr.E.C.Ramesh

For Respondents : Mr.I.John Arockiadas

COMMON ORDER

This Writ Petition is filed for challenging the order made in Ref.No.6752/Estt.2/2018 dated 12.11.2021 passed by the third respondent and to quash the same as arbitrary and illegal and consequently direct the respondents not to recover the amount from petitioners' account.

2. According to the petitioners, based on the audit objection, the recovery proceedings have been initiated as against the petitioners by the third respondent by proceedings in Ref.No.6752/Estt.2/2018 dated 12.11.2021 without giving any opportunity to the petitioners. Challenging the same, the petitioners have filed the instant writ petitions before this Court.



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3. At the time of admission, this Court by an order dated 01.06.2023, has granted interim stay for recovery alone.

4. The learned Standing counsel appearing for the respondents has submitted that the present writ petition filed against the Co-operative Milk Producers Union Limited is not maintainable in the light of the judgment of the Larger Bench of this Court in ***K.Marappan vs Deputy Registrar of Co-operative Society, Namakkal*** reported in ***2006 (4) CTC 689***.

5. According to the learned counsel appearing for the petitioners, the petitioners are retired from service. He further submitted that in the light of the decision of the Hon'ble Supreme Court of India in State of ***Punjab vs Rafiq Masih (White Washer)*** reported in ***2015 (4) SCC 334***, wherein the Hon'ble Supreme Court of India held that there is a direction, that the respondent cannot recover the said amount from the petitioner. Even though the said judgement has been placed before this Court, the petitioner can raise the point before the Appellate Authority. Further submitted that the 2nd respondent has not settled the retirement benefits to the petitioner for the



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reason that the recovery proceedings has been initiated as against the petitioner.

6. The learned Standing Counsel appearing for the respondents submitted that if any such request made by the petitioners, the 2nd and 3rd respondents will consider the same and paid the eligible amount payable to the petitioners.

7. Recording the said statement made by the learned Standing Counsel appearing for the respondents, these writ petitions stand dismissed as not maintainable and it is for the petitioners to seek their remedy before the Appellate Authority within a period of four weeks. It is made clear that the interim order already granted by this Court dated 01.06.2023 shall be in force till such time. Consequently, connected miscellaneous petitions are closed. No costs.

12.03.2024

Index : Yes/No
Speaking/Non-Speaking Order
Neutral Citation: Yes/No
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To

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- 1) The Managing Director,
The Tamilnadu Co-operative Milk Producer's Federation Ltd.,
Revenue Department, Aavin Illam, Mathavapuram,
Milk Colony,
Chennai-600 051.
- 2) The Commissioner for Milk Production and Dairy Development,
Chennai-600 061.
- 3) The General Manager,
Dharmapuri District,
Co-operative Milk Producers Union Ltd.,
Krishnagiri-635 002.



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G.K.ILANTHIRAIYAN,J.
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