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W.P.No.22114 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22114 of 2022 and
WMP.No.9132 of 2023

V.Krishnamoorthy

... Petitioner

Vs.

- 1.The Joint Director,
K.K.348, The Dharmapuri District
Consumer's Co-operative Wholesale Stores Ltd.,
No.5/16-A, Agro Service Senthil Nagar,
Dharmapuri 636 705
- 2.The Deputy Registrar/Managing Director,
K.K.348, The Dharmapuri District
Consumer's Co-operative Wholesale Stores Ltd.,
No.5/16-A, Agro Service Senthil Nagar,
Dharmapuri 636 705
- 3.The General Manager,
K.K.348, The Dharmapuri District
Consumer's Co-operative Wholesale Stores Ltd.,
No.5/16-A, Agro Service Senthil Nagar,
Dharmapuri 636 705
- 4.Hosur Mathigiri Cattl Farm,
Anchettipalli,
Hosur, Krishnagiri 635 110

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to release and surrender the earned leave credit amount sum of Rs.46,550/- (Rupees Forty Six Thousand Five Hundred and Fifty Rupees) which was deducted from the



W.P.No.22114 of 2022

petitioner by the second respondent within a timeline stipulated by this Court.

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For Petitioner : No appearance

For Respondents

For R1 & 2 : Dr.T.Seenivasan,
Special Government Pleader

For R3 : Mrs.P.Rajarajeswari

ORDER

This writ petition has been for direction to the respondents to release and surrender the earned leave credit amount of Rs.46,550/- which was deducted from the petitioner by the second respondent.

2. The petitioner was appointed as Salesman and he retired from his service on 29.02.2020. While he was working, in the month of March 2015, approval was obtained from the General Manager of K.K.348, The Dharmapuri District Consumer's Cooperative Wholesale Stores Limited to buy stationery and electrical goods on credit basis. The salesman of the District Consumer's Cooperative Wholesale Stores Limited nowhere is responsible for the recovery of the said credit amount. The salesman is only acting as per the direction of General Manager who approved to sell the goods on credit basis. While the petitioner was settled all terminal benefits, the Dharmapuri District Consumer's



W.P.No.22114 of 2022

Cooperative Wholesale Stores Limited had deducted a sum of Rs.46,550/- from his earned leave credit for the reason the petitioner failed to take any action to recover the above said amount.

3. It is seen that the petitioner joined as Salesman on 13.06.1987 and subsequently, retired on 29.02.2020. During his service, he worked as Salesman in Stationery Shop, Fair Price Shops and managed Godown Keeper. When he was working as Salesman, he supplied stationery items to the tune of Rs.3,06,471.41/- to Hosur Mathigiri Cattle Farm, Krishnagiri i.e. the fourth respondent herein. It is the bounden duty cast upon the petitioner to pursue the goods sold on credit sales has to be realised. But the petitioner failed to follow the same. He also executed Indemnity Bond to the effect that he is willing to remit the amount if any noticed in Audit and he was permitted to relieve from his service subject to condition that if any amount found to be recovered, will be remitted. Subsequently, it was ascertained that there is no entry found in the registers maintained in the fourth respondent farm for the receipt of stationery items. The petitioner ought to have initiated action against the default borrower by intimating to head office i.e. the second respondent, but failed to do so. Therefore, there was loss to the tune of Rs.46,550/- due to the petitioner's negligence. Therefore, enquiry was ordered under Section 81 of Tamilnadu



W.P.No.22114 of 2022

Cooperative Societies Act and appointed enquiry officer. As per the enquiry report, it was decided to recover the loss from the concerned persons who are responsible for the said loss. Accordingly, a sum of Rs.46,550/- has been deducted.

4. Therefore, this Court finds no reason for issuing direction to the respondents to release the said amount in favour of the petitioner. As such, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

19.01.2024

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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W.P.No.22114 of 2022

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G.K.ILANTHIRAIYAN, J.



WEB COPY



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W.P.No.22114 of 2022

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