



WEB COPY



W.P.No.22059 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.22059 of 2022

K.V.Sumathi

... 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.38,330/- (Rupees Thirty Eight Thousand Three Hundred and Thirty Rupees) which was deducted from the 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.38,330/- which was deducted from the petitioner by the second respondent.

2. The petitioner was appointed as Salesman and she retired from her service on 31.03.2019. While she 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 Cooperative Wholesale Stores Limited had deducted a sum of Rs.38,330/- from



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her earned leave credit for the reason the petitioner failed to take any action to recover the above said amount.

3. On perusal of the counter filed by the second respondent revealed that the petitioner joined as Salesman on 03.12.1988 and subsequently, she tendered resignation on 31.03.2019. During her service, she worked as Salesman in Stationery Shop, Fair Price Shops and managed Godown Keeper. From 04.11.2011 to 04.10.2013, when she was working as Salesman, she 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 and submitted her resignation on 31.03.2019. She also executed Indemnity Bond to the effect that she is willing to remit the amount if any noticed in Audit. After accepting her resignation on 31.03.2019, she was permitted to relieve from her 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 during 06.08.2012 to 07.03.2013. The petitioner ought to have initiated action against the default borrower by intimating to head office i.e. the second



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resonant, but failed to do so. Therefore, there was loss to the tune of Rs.38,330/- due to the petitioner's negligence. Therefore, enquiry was ordered under Section 81 of Tamilnadu Cooperative Societies Act vide proceedings dated 29.12.2022 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.38,330/- 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. There shall be no order as to costs.

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Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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G.K.ILANTHIRAIYAN, J.



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