



W.P.(MD).No.12280 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12280 of 2024
and WMP(MD) Nos.10891 & 10892 of 2024

1. Palanisamy
2. Ponnaiah
3. Vidya

... Petitioners

Vs

1. The Deputy Registrar of Co-Operative Societies,
Co-Operative Societies Office Buildings,
Annavaasal Road, Pudukkottai.
2. The Assistant Director of Co-operative Audit,
Co-Operative Societies Office Buildings,
Annavaasal Road, Pudukkottai.
3. The Special Officer / Secretary,
MM.337, Narthamalai Primary Agricultural Co-Operative Credit
Society Limited,
Narthamalai Post, Kulathur Taluk,
Pudukkottai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records of the order passed by the 1st respondent in Na.Ka.528/2024 Thittam, dated on 27.03.2024 and quash the same as illegal and arbitrary and in consequences there of direct the 1st respondent to extend the benefits of G.O. (MS).No.25, Co-operative, Food and Consumer Protection (CA2) Department, dated on 04.03.2020 to the petitioner.

For Petitioners : Mr.P.Ganapathi Subramanian

For Respondents : Mr.K.Selva Ganesan
Additional Government Pleader

ORDER

Heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioners and Mr.K.Selva Ganesan, learned Additional Government Pleader, for the respondents.

2.The petitioners have challenged the impugned order, dated 27.03.2024 of the first respondent's recovery order for recovery to the tune of Rs.50,552/- from the persons concerned.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The petitioners 1 & 2 are working as Attenders and the 3rd petitioner is working as a Salesman in the 3rd respondent Co-operative Credit Society Limited. Even though the copy of the said proceedings have been marked to the Secretary of the Co-operative Society, the petitioners, who are holding the post of Attender and Salesman have come out with the writ petition challenging the impugned order.

5.Hence, the learned Additional Government Pleader has raised his preliminary objection about the locus standi of the petitioners to file this writ petition, as they were not even marked with a copy of the order and the impugned order does not mention about the names of the petitioners.

6.The learned counsel for the petitioners submitted that the petitioners came to know on enquiry that the impugned order relates to Selection Grade and Special Grade pay allowed to the petitioners and hence, they had come out with this writ petition.



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7. When the impugned order does not mention about any specific category for which the recovery has to be made or did not even mention about the names of the petitioners, the petitioners need not have any reaction by making any presumption on their own. Even the Secretary has not given any notice to the petitioners calling upon them to repay any monetary benefit, they have enjoyed already.

8. So the one and only direction that can be given in the circumstances in which, the petitioners have filed this writ petition, is that the third respondent shall give show-cause notice to the petitioners in case the recovery is only towards the petitioners' monetary benefit enjoyed by them already and pass appropriate orders thereafter.

9. The petitioners can also make an application to the concerned Officials to know about the details for which the recovery has been made along with the details of the Audit Objection. Without producing any materials that the recovery relates to the interest of the petitioners, the petitioners have filed this writ petition on making some oral enquiry. So, in any event the petitioners are at liberty to give representation to the respondents by getting a copy of the



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Audit Objection, if any, and on receipt of the same, the first respondents shall consider and pass orders. Any recovery as against the petitioners shall be done only after giving them notice and an opportunity to submit their submission.

10.With the above direction, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

12.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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Co-Operative Societies Office Buildings,
Annavasal Road, Pudukkottai.
2. The Assistant Director of Co-operative Audit,
Co-Operative Societies Office Buildings,
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