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W.P.(MD) No.5436 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.5436 of 2019

R.Jothi

... Petitioner

-VS-

1.The Managing Director
Co-Optex Head Office
Tamil Nadu Handloom Weavers
Co-operative Society
350, Pantheon Road
Egmore, Chennai-600 008

2.The Deputy Director
Audit Section
Co-Optex Head Office
Tamil Nadu Handloom Weavers
Co-operative Society
350, Pantheon Road
Egmore, Chennai-600 008

3.The Zonal Manager
Co-optex Zonal Office
3, Andal Street
Alagappan Nagar
Madurai-625 003

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to repay the amount of Rs.2,72,968/- (Rupees two lakhs seventy two thousand nine hundred and sixty eight only) to him based on the petitioner's representation dated 25.09.2018.

For Petitioner : Mr.Badrus Zaman

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to refund the amount of Rs.2,72,968/- to the petitioner, based on her representation dated 25.09.2018.

2. The petitioner claims that while she was working in the Co-Optex Sales Department for the month of August – September, 2012, a sum of Rs.2,72,968/- was illegally recovered from her on account of alleged misappropriation. According to the petitioner, the misappropriated amount, which the respondents had claimed, was paid by her and despite the same,



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the aforesaid sum of Rs.2,72,968/- has not been refunded by the respondents. Under those circumstances, the petitioner has given a representation dated 25.09.2018 to the respondents requesting them to refund the sum of Rs.2,72,968/- to her. Since the representation of the petitioner has not been considered, she has filed this writ petition.

3. A counter affidavit has been filed by the respondents denying the contentions of the petitioner by stating that the sums paid by the petitioner have been adjusted and after adjusting the same, still a sum of Rs.57,593.40 is due and payable by the petitioner to the respondents.

4. However, it is seen from the counter affidavit as well as the documents placed on record that the representation of the petitioner, dated 25.09.2018, which is the subject matter of this writ petition, was not considered by the respondents by passing a final order, on merits and in accordance with law.

5. No prejudice will be caused to the respondents, if the petitioner's representation dated 25.09.2018, referred to supra, seeking for



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refund of a sum of Rs.2,72,968/- is directed to be considered by the respondents, on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the third respondent to pass final orders, on merits and in accordance with law, on the petitioner's representation dated 25.09.2018, seeking for refund of Rs.2,72,968/- which she claims that the same has been illegally recovered from her, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

24.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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ABDUL QUDDHOSE, J.

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