



W.P(MD)No.13553 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13553 of 2021 and
WMP(MD) Nos.10504 & 10505 of 2021

Vidhya.N

... Petitioner

Vs

1.The Project Director,
Tamil Nadu State Rural Development,
District Movement Management Unit,
Karur.

2.The Block Management Unit,
Karur.

3.Thimmampatti Panchayat Level Federation (PLF),
Thimmampatti,
Karur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Certiorarified Mandamus, to call for the records pertaining to the impugned order of the 1st respondent in Na.Ka.A2/284/2021 dated 20.07.2021 and quash the same and consequently forbear the respondents from taking any steps for recovery of any amount from the petitioner without following due process of law.



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For Petitioner : Mr.J.Anandkumar
For Respondents : Mr.P.T.Thiraviam, Government Advocate

ORDER

The petitioner was appointed as a Block Co-ordinator in the year 2013 in Thimmampatti Panchayat Level Federation, Karur. The Panchayat Level Federation is a Society, registered under the Tamil Nadu Societies Registration Act, 1975, in order to empower the Self help groups. For 20 Self help groups, the Panchayat Level Federation was formed with a President, Secretary and other posts to monitor the affairs of the self help groups. One such post is a Block Co-ordinator and this petitioner has been appointed in that post. The petitioner has filed this writ petition, challenging the memo issued by the Project Director, Tamil Nadu State Rural Development District Movement Management Unit, Karur Na.Ka.A2/284/2021, dated 20.07.2021, calling upon her to remit a sum of Rs.5,15,110/-, which has been misappropriated by her from the funds, which has been provided for proper administration of the self help groups. The petitioner claims that this impugned order of recovery has been passed without conducting proper enquiry, by issuing notice and by providing sufficient opportunity to the petitioner.



2.The learned Counsel appearing for the petitioner submits that the petitioner has purchased furniture such as Table, Almirah, Rack and Fan etc., for a sum of Rs.34,275/-, which are required for functioning of the office. More over, the furniture, which has been purchased by the petitioner are very much available in the Office. However, the petitioner has been branded as an offender said to have committed misappropriation that the purchase of furniture has not been permitted in the Scheme. According to the learned counsel, for having purchased the furniture, she has been penalized by the order impugned in this writ petition. The learned Counsel further submits that the petitioner is a physically disabled person with 75% of disability; this is the only source of income for her; the order of recovery would adversely affect her carrier and therefore, the respondents ought to have conducted a proper enquiry, by affording sufficient opportunity to the petitioner.

3.The learned Government Advocate appearing for the respondents submits that this petitioner is not a Government employee. She has been appointed on Ad-hoc basis in a Panchayat



Level Federation for the purpose of monitoring the self help groups.

He further submits that the amount, which has been misappropriated by this petitioner by lending loans and for purchasing furniture to her convenience is indeed meant for self help groups. The petitioner is not having any right to claim that there must be a detailed enquiry. He further submits that an enquiry was conducted on 22.04.2021, on that day, along with the petitioner one Rajam and Amuthavalli were examined and their statements were recorded. Based on the statements recorded by the enquiry Officer on 22.04.2021, the Assistant Project Officer has submitted a report and accordingly, the Project Director has passed the order of recovery. Therefore, there is no procedural lapse in the enquiry proceedings and hence, no need to interfere with the order of recovery.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.By the order impugned in this writ petition, the first Respondent /the Project Director has directed this petitioner to remit



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a sum of Rs.5,15,110/- that she has misappropriated the amount, which was entrusted to her for the purpose administration of self help groups. The grievance of the petitioner is that this order of recovery has been passed, without conducting a proper enquiry. The impugned order refers to an enquiry dated 22.04.2021, in which, the enquiry was conducted and the statements of the petitioner, one Rajam and Amuthavalli were recorded and the same was forwarded to the Assistant Project Officer, based on which, the first respondent has passed the order of recovery. No doubt, the impugned order does not disclose about the reasonings for calling upon this petitioner to remit a sum of Rs.5,15,110/-. However, on this ground alone, this Court is not inclined to set aside the order. This petitioner has been appointed as a Block Co-ordinator of Thimmampatti Panchayat Level Federation, Karur District, which has been registered under the Tamil Nadu Societies Registration Act, 1975. The petitioner cannot claim it as a matter of right that a detailed order has to be passed by the enquiry officer after affording sufficient opportunity to the petitioner. At the same time, when the respondents are taking a stand that this petitioner has misappropriated a sum of Rs.



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5,15,110/-, then it needs to be addressed in a proper manner with a criminal prosecution. In the case of misappropriation, the petitioner has to be necessarily provided with sufficient opportunities, the documents relied on by the Department should be provided to her before taking a decision, call for an explanation and thereafter the respondent has to pass a detailed order citing reasonings for taking such a decision. In the event if the amount has been misappropriated, it needs to be dealt with criminal action also.

6.In view of the above, this writ petition is disposed of with a direction to the respondents to take a call afresh, by providing sufficient opportunity to the petitioner along with the documents relied on by them and pass a detailed order with reasonings, within a period of six months from the date of receipt of a copy of this order. The petitioner is also expected to co-operate for the enquiry. No costs. Consequently, connected Miscellaneous petitions are closed.

11.12.2024

NCC:Yes/No

Index:Yes

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