



W.P.(MD)No.12961 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.12961 of 2024

and

W.M.P.(MD).Nos.11505 & 11506 of 2024

Tamil Nadu Public Distribution Employees Union,
(தமிழ்நாடு பொது விநியோக ஊழியர் சங்கம்)
35/26, Vadanantha Street,
Water Tank Road,
Nagercoil-1,
Represented by its General Secretary,
K.Kumari Selvan.

... Petitioner

Vs.

- 1.The Principal Secretary to Government / the Commissioner,
Food and Consumer Protection (Ca1) Department,
Ezhilagam,
IV Floor,
Chepauk,
Chennai - 5.
- 2.The Registrar of Co-Operative Societies,
Kilpauk,
Chennai - 10.
- 3.The Managing Director,
Tamil Nadu Civil Supplies Corporation, Chennai - 10.
- 4.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kanyakumari Region, Konam, Nagercoil.



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5.The District Supply Officer,
Collectorate Office,
Nagercoil.

6.The Joint Registrar of Co-Operative Societies,
Collectorate Campus,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the proceedings of the first respondent vide Na.Ka.No. Ka1/4320/2024 dated 29.04.2024 and quash the same.

For Petitioner : Mr.C.T.Perumal

For R-1 & R-2 : Mr.S.Kameshwaran,
Government Advocate

For R-3 & R-4 : Mr.G.Mohan Kumar

ORDER

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

2. Heard Mr.C.T.Perumal, learned counsel appearing for the petitioner, Mr.S.Kameshwaran, learned Government Advocate appearing for respondent Nos.1 & 2 and Mr.G.Mohan Kumar, learned counsel appearing for the third and fourth respondents.



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3. The petitioner, by name, Tamil Nadu Public Distribution Employees Union, has filed this Writ Petition seeking to quash the proceedings of the first respondent vide Na.Ka.No. Ka1/4320/2024 dated 29.04.2024 on the ground that the impugned order has been issued against the Circular stating that in case of any deficiency or irregularity is noticed in the stocks maintained in the shops, the salesman will be responsible to pay the fine in accordance with the schedule shown in the impugned order.

4. The grievance of the petitioner is that before issuing this order, the petitioner was not allowed to weigh the bags received by him in order to note in the stock register as to the position in which the stock has been received and to notice whether there is any deficit or not. Unless the stock verification is done in the first instance in order to find out whether the items procured from the public ware houses are in order, the fact know whether there is any deficiency in weight or otherwise cannot be known. If the impugned Circular issued before resorting to such exercise, the impugned order came to be passed, by which, the petitioner, who was the Salesman in the depot, will be held responsible even if the bags have been sent deficit from the end of the public warehouses itself.



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5. Mr.S.Kameshwaran, learned Government Advocate appearing for the respondent Nos.1 and 2 submitted that the Employment Officer of the concerned Society alone has to come and verify the weight of the stock taken from the public warehouses and even at that point of time, all weight verification will be done including the deficiency in any of the bags.

6. Mr.C.T.Perumal, learned counsel appearing for the petitioner submitted that the order has already been stayed in the earlier Writ Petition in W.P.14191 of 2024 before this Court.

7. In the opinion of this Court, the matter can be agitated in the very same writ petition as no individual has raised any issue stating that the Circular has been issued against them. On that ground alone, the Writ Petition is premature and hence, this Writ Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

19.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

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2.The Registrar of Co-Operative Societies,
Kilpauk,
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R.N.MANJULA, J.

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