



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21015 of 2024

T.Nambi

... Petitioner

Vs.

1.The Joint Registrar/President of Public Personnel
of Cooperative Societies(PACCS),
Thoothukudi District.

2.The Deputy Registrar of Cooperative Societies,
Tiruchendur.

3.The Administrator,
E.E.418, Arumuganeri Primary
Agricultural Cooperative Credit Society,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent herein dated 29.05.2023 bearing Na.Ka.No. 1202/2023 Tho.way.Ku.Sa and quash the same and directing the respondents to pay the Withheld dearness allowance to the tune of Rs.3,71,396/- with interest at the rate of 12% from 31.05.2023 to till the settlement of petitioner's retirement benefits are settled in the light of his representation dated 22.11.2023.



WEB COPY

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

* * * * *

ORDER

The instant writ petition has been filed by a Secretary incharge of the Primary Agricultural Co-operative Credit Society, challenging the order passed by the second respondent herein directing the third respondent to recover the excess payment of dearness allowance arrears to the writ petitioner.

2.A perusal of the impugned order reveals that the second respondent by his proceedings dated 29.05.2023, had directed the third respondent to recover the alleged excess dearness allowance arrears paid to the writ petitioner. It further reveals that before passing the said order of recovery, no notice has been issued to the writ petitioner. Therefore, it is clear that the order impugned in the writ petition has been passed in violation of the principles of natural justice.

3.In view of the above said deliberations, the order impugned in the writ petition is hereby set aside and the matter is remitted back to the file of the second respondent herein. The second respondent is at liberty to issue a notice to the writ petitioner and after receiving the explanation, proceed to pass orders in accordance with law.



WEB COPY

4. With the above said observations, this writ petition stands allowed. No costs.

12.09.2024

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



WEB COPY

To

1.The Joint Registrar/President of Public Personnel
of Cooperative Societies(PACCS),
Thoothukudi District.

2.The Deputy Registrar of Cooperative Societies,
Tiruchendur.

3.The Administrator,
E.E.418, Arumuganeri Primary
Agricultural Cooperative Credit Society,
Thoothukudi District.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

W.P(MD)No.21015 of 2024

12.09.2024