



W.P(MD)Nos.25953 to 25956 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.25953 to 25956 of 2023

and

W.M.P.(MD)Nos.22311, 22313 ,22318 & 22312 of 2023

R.Nagarajan	... Petitioner in W.P.(MD)No.25953 of 2023
P.M.Krishnakumar	... Petitioner in W.P.(MD)No.25954 of 2023
S.Karnan	... Petitioner in W.P.(MD)No.25955 of 2023
Ravichandran	... Petitioner in W.P.(MD)No.25956 of 2023

Vs.

- 1.The Joint Registrar of Cooperative Societies
Madurai Regional Office,
Madurai.
- 2.The Secretary,
Rep. by its MU-1, N.C.S.M.Employees Co-op.,
Thrift & Credit Society Ltd.,
Mettupatty-Alanganallur,
Madurai-625 502.
- 3.The Management Director,
MU-1, N.C.S.M.Employees Co-op.,
Thrift & Credit Society Ltd.,
Mettupatty-Alanganallur,
Madurai 625 502.
- 4.The Special Officer cum the Managing Director,
The National Co-op., Sugar Mills Ltd.,
B.Mettupatti, Alanganallur Via,



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Madurai District 625 502.
(R4 is impleaded vide order dated
29.01.2024)

... Respondents in all W.Ps.

Prayer in W.P.(MD)No.25953 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents 2 and 3 from deducting amounts from the petitioners salary in respect of Loan Account No. 1437 and Loan A/c. No. 5949 without furnishing the entire payment particulars made by the petitioner in the above said Loan Accounts.

Prayer in W.P.(MD)No.25954 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents 2 and 3 from deducting amounts from the petitioners salary in respect of Loan Account No. 1438 and Loan A/c. No. 5943 without disclosing the entire payment particulars made by the petitioner in the above said Loan Accounts.

Prayer in W.P.(MD)No.25955 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents 2 and 3 from deducting amounts from the petitioners salary in respect of Loan Account No. 1432 and Loan A/c. No. 5987 without disclosing the entire payment particulars made by the petitioner in the above said Loan Accounts.

Prayer in W.P.(MD)No.25956 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents 2 and 3 from deducting amounts from the petitioners salary in respect of Loan Account No. 1537 and Loan A/c. No. 6037 without disclosing the entire payment particulars made by the petitioner in the above said Loan Accounts.



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For Petitioner : Mr.Thayumanaswamy

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1, R2 & R4

(in all W.Ps) : Mr.S.Kumar for R3

COMMON ORDER

Heard both sides.

2. The petitioners were originally employed in the National Co-operative Sugar Mill Limited. They are now working in the Salem Co-operative Sugar Mills Limited on deputation basis. The petitioners herein had availed loan from the second respondent society. The grievance of the petitioners is that the amounts deducted from their monthly salary are not being properly credited towards their loan account. That led to filing of these writ petitions.

3. When the matter was taken up for hearing, the learned Special Government Pleader filed statements indicating the monthly deductions made from the petitioner's salary.



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WEB COPY

NCSM Employee Co-op Thrift and Credit Society Recovery

R.Nagarajan E.No.3703	P.M.Krishnakumar E.No.3709	S.Karnan E.No.3702	A.Ravichandran E.No.3745	Total Amount in Rs.
575228.27	535167.03	609221.53	247695.60	1967312.43
		Gratuity	75965.00	75965.00
		Total	323660.60	2043277.43

4. The petitioner's counsel would point out that the tabulation statement filed by the learned Special Government Pleader indicates that the deduction from the monthly salary of Nagarajan for August 2023 is Rs.7,500/-, whereas a sum of Rs.9,423 was deducted. The petitioners want to directly settle the loan amount with the second respondent society. This Court cannot give any such direction. This is because, a tripartite agreement had already been entered into among the parties. In terms of the said agreement, the management has to make deduction and credit the same towards the loan account. It is open to the petitioners herein to approach the second respondent society for variation of the terms of the agreement. The management may not have any objection as such. However, a decision has to be taken only by the creditor society.



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5. Granting liberty to the petitioners to approach the second respondent society, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.02.2024

Index : Yes / No
Internet : Yes/ No
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To

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