



W.P.(MD)No.3797 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.3797 of 2025

and

W.M.P.(MD).No.2731 of 2025

A.Santhanakrishnan

... Petitioner

Vs.

1.The Commissioner,
Commissionerate of Milk Production &,
Dairy Development Department,
Madhavarm Milk Colony,
Chennai-600 051.

2. The Deputy Registrar (Dairy Development),
Kundurayur Street,
Manamadurai,
Sivagangai District.

3. The General Manager,
Sivagangai District Co-operative Milk Producers Union Ltd.,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order in Na.Ka.No.3739/Vi.Pi.I/2007-2 dated 27.12.2024 issued by the third respondent and quash the same as illegal.



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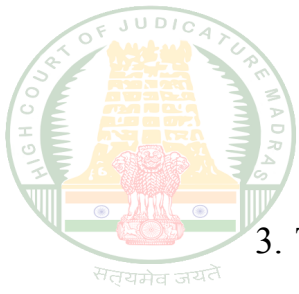
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For Petitioner : Mr.P.Saravanakumar
For Respondent Nos.1 & 2 : Mr.P.Subbaraj
Special Government Pleader
For Respondent No.3 : Mr.J.Devasenar
Standing Counsel

ORDER

This writ petition has been filed against the order dated 27.12.2024, issued by the third respondent, wherein, it is instructed to pay the amount of Rs.5,96,416.41/- towards the interest charges on the financial loss incurred by the Society by the petitioner.

2. The petitioner while working as a Senior Factory Assistant in the third respondent union, it is found that there was a shortage of Rs.5,96,416/- and the same was recoverable from eight employees including the petitioner. Out of the said amount, a sum of Rs.3,91,186.65/- was fastened on the petitioner and one K.Murugesan payable with 18% interest. The petitioner deposited the entire amount i.e., Rs.4,45,123.65/- to the account of Society. It was confirmed by way of proceedings of the second respondent dated 17.07.2008.



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3. The third respondent herein has issued proceedings dated 18.05.2015, instructing him to pay the interest of 18% to the tune of Rs.5,96,416.41/-. The petitioner challenging the said proceedings of the third respondent by way of statutory appeal in CMA(CS).No.02/2015 on the file of the District Court (Co-operative Tribunal), Sivagangai. During the pendency of the said appeal, the third respondent started recovery of Rs.1500/- per month and it was stopped from 01.03.2016. The said appeal was allowed by way of decree and judgement dated 02.07.2018, with a finding that the petitioner is not liable to pay any due. Even thereafter, the second respondent directed withholding the amount of Rs.5,96,416.41/- from the petitioner vide proceedings dated 31.12.2018. One K.M.Murugesan, who is similarly situated person filed a writ petition in W.P.(MD).No.3585 of 2019, before this Court, seeking direction to the respondents therein to disburse the terminal and service benefits on his retirement on 31.12.2018.

4. The said writ petition was disposed of on 18.02.2019 and this Court directed the petitioner to make representation before the concerned authority. The second and third respondents did not consider the above request and they have filed a revision petition in C.R.P.(MD).No.2693 to 2697 of 2018. The said

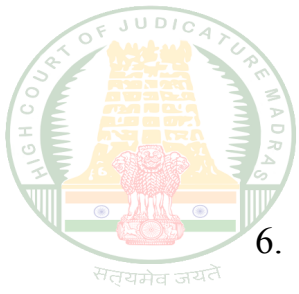


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Civil Revision Petitions were disposed of by way of decree and judgement

dated 16.11.2023. Subsequently, the third respondent has issued proceedings dated 27.12.2024, rejecting the waiving of interest and directed to deposit an amount of Rs.5,96,416.41/- within a period of fifteen days. The said proceedings are under challenge in the present writ petition.

5. The third respondent filed counter affidavit, in the counter affidavit it is averred that as per the order dated 16.11.2023 in CRP(MD).No.2693 to 2697 of 2018, the third respondent passed the impugned order, basing on the order of the first respondent. The learned Counsel for the third respondent would submit that after conducting a detailed enquiry, it revealed that the petitioner had misappropriated the amount of Rs.3,97,186.65/- and thereby causing financial loss to the third respondent. The misappropriated amount was paid by the writ petitioner only after 12 years. He further submits that if the interest is not recovered, the third respondent union will incurred heavy financial loss. Hence, he prayed to dismiss the present writ petition.



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6. Having considered the submissions of the respective counsel and carefully perused the material available on record.

7. On the allegation of misappropriation of certain amount by the petitioner in the third respondent union, he had already remitted the principal amount and it proves that he admits the misappropriation. As such, he is liable to pay the interest, as stipulated in the by-laws as directed by the first and third respondents. Admittedly, in this case, eight employees were committed misappropriation and they have paid the principal amount and some of the employees also paid the interest. As rightly pointed out by the learned Standing Counsel for the third respondent, if any lenient view is taken by this Court towards the petitioner, definitely, it will cause heavy financial loss to the third respondent Union.

8. In view of the above said facts and circumstances, in our considered view that there is no infirmity or illegality in the order passed by the third respondent and interference of this Court is not required in this case.



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9. Accordingly, this writ petition is dismissed.

There shall be no order as to costs.

Consequently connected miscellaneous petition is closed.

27.03.2025
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NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

1.The Commissioner,
Commissionerate of Milk Production &
Dairy Development Department,
Madhavarm Milk Colony,
Chennai-600 051.

2. The Deputy Registrar (Dairy Development),
Kundurayur Street,
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3. The General Manager,
Sivagangai District Co-operative Milk Producers Union Ltd.,
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BATTU DEVANAND, J.

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