

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11152 of 2015

S.Vajravelu

... Petitioner

Vs.

- 1 The Joint Registrar of Cooperative Societies Kancheepuram Region Kancheepuram
- 2 The Managing Director Big Kancheepuram Town Cooperative Bank Limited No.90-91 Annai Indira Gandhi Salai Kancheepuram

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose of the petitioners representation dated 26.2.2015 to pay the surrender leave salary together with 12% interest from 1.10.2014 to till the date of payment within a stipulated period.

For Petitioner : Mr.B.Hari Babu

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-op)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that he was working as a Sub-Staff in the services of the second respondent Bank and was permitted to retire on attaining the age of superannuation on 30.09.2014 and would further state that in respect of the three loans availed by co-employee Thiru.V.Moorthy, he stood as surety and due to certain allegations, Thiru.V.Moorthy was terminated from the service of the second respondent Bank and admittedly the second respondent did not take any action to recover the loan amount due and payable by the said person. The petitioner would further contend that no recovery action in the form of arbitration claim or other legal proceedings were initiated against Thiru.V.Moorthy and the claim of recovery for the loans availed by him is also clearly barred by limitation and simply because the

petitioner stood as security on account of the loan availed by Thiru.V.Moorthy, he has not been paid with surrender leave salary and in this regard, has also submitted a representation dated 26.02.2015 to the first respondent and since no orders have been passed, came forward to file this writ petition.

3. Heard the submissions of Mr.B.Hari Babu, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operatives) who accepts notice on behalf of the respondents.

4. Though the petitioner prayed for a larger relief, this Court in the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 26.02.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. The writ petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Joint Registrar of
Cooperative Societies Kancheepuram Region
Kancheepuram
- 2 The Managing Director
Big Kancheepuram Town Cooperative Bank
Limited No.90-91 Annai Indira Gandhi Salai
Kancheepuram

+1 C.C. To MR.B.HARIBABU, Advocate in SR.NO.52507

+1 C.C. TO Government Pleader in SR.NO.52926

W.P.No.11152 of 2015

EV(CO)

sd : 08/10/2015