

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19304 of 2015

K.S.Chandrasekaran

... Petitioner

Vs.

1.The Government of Tamilnadu,  
Represented by its Secretary Industrial Department,  
Secretariat, Chennai.

2.The Managing Director,  
Thiruttani Co-op. Sugar Mills Ltd.,  
Thiruvalangadu - 631 210.

3.The Director of Sugars,  
690, Anna Salai,  
Periyar EVR Buildings, 2nd Floor,  
Nandanam, Chennai - 600 035.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, to direct the 2nd respondent to release the earned leave benefits of the petitioner who had served as Chief Sugar Cane officer at Thiruthani Co-operative sugar mills.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.D.Venkatachalam  
Govt.Advocate for R1 and R3  
Mr.R.Bala Ramesh  
Addl.Govt.Pleader for R2

O R D E R

The petitioner retired from service as Chief Sugarcane Officer from the second respondent cooperative sugar mill. The grievance of the petitioner is that he is not settled with earned leave encashment benefits.

2. In fact the petitioner made representation to the second respondent, who in turn gave reply dated 11.02.2015. In the said reply, the second respondent has stated that the petitioner is not entitled for surrender of 236 days. It is useful to extract the following passage from the reply dated 11.02.2015:-

"As seen from the records produced and for the reasons stated above, I am of the considered opinion that

Mr.K.S.Chandrasekaran, Chief Sugar Cane Officer

(retired) is not entitled for surrender of 236 days and obtaining payment for the same in a second time"

3. However, without challenging the order dated 11.02.2015, the petitioner has filed this writ petition for a direction to grant him Earned Leave benefits, as if earned leave are in his credit.

4. Further, it is well settled that the writ Petition against the Cooperative Society is not maintainable as held by the Full Bench judgment of this Court in K.Marappan vs. Deputy Director of Cooperative Societies, Namakkal reported in (2006) 4 CTC 689 and the remedy available to the petitioner is to challenge the aforesaid order dated 11.02.2015 before the revisional authority under Section 153 of the Co-operative Societies Act in the manner known to law.

5. However, considering the facts and circumstances of the case, the writ petition is disposed of with liberty to the petitioner to file revision before the third respondent, who is the revisional authority under the said Act, within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to dispose of the revision, without reference to delay on merits and in accordance with law within a period of eight weeks thereafter. No costs.

Sd/-

Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

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To

1.The Secretary Industrial Department,  
The Government of Tamilnadu,  
Secretariat, Chennai.

2.The Managing Director,  
Thiruttani Co-op. Sugar Mills Ltd.,  
Thiruvalangadu - 631 210.

3.The Director of Sugars,  
690, Anna Salai,  
Periyar EVR Buildings, 2nd Floor,  
Nandanam, Chennai - 600 035.

1 cc to Mr.V. Raghavachari, Advocate, Sr. 32760  
1 cc to Mr.R. Balaramesh, Advocate, Sr. 33025  
1 cc to Government Pleader, Sr. 33366

W.P.No.19304 of 2015

SCD (CO)

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