

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
W.P.Nos.24019 and 24020/2015

N.Paramathma ... Petitioner in WP.No.24019/2015
B.Mathiyazhagan ... Petitioner in WP.No.24020/2015

Versus

- 1.The Joint Registrar of Coop. Societies
Villupuram Region, Villupuram,
Villupuram District.
- 2.The President
Jambai Primary Agricultural Coop. Credit
Society, Jambai, Tirukoilur Taluk
Villupuram District. .. Respondents in both WPs

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioners on 18.02.2015 within a stipulated time to be fixed by this Court.

For Petitioners : Ms.Hemalatha for
Mr.C.Prakasam
For Respondents : Mr.L.P.Shanmugasundaram,
Spl. Govt Pleader [Co-op.]

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2.The petitioner in WP.No.24019/2015 was appointed as Salesman in the services of the 2nd respondent-Society on 14.05.1988 through the Employment Exchange. The petitioner, while discharging his duty, the Tahsildar, Tirukoilur, made a surprise inspection in respect of the shop in which the petitioner was employed as a Salesman on 02.07.1992. There was some shortage in the shop and from that day onwards, the petitioner was not allowed to do the job of Salesman. The grievance expressed by the petitioner is that the petitioner has not been issued with neither the suspension order nor the order of removal from service and the petitioner, in this regard, had repeatedly making personal representation to the authorities concerned. He has also submitted a representation dated 18.02.2015 to the Joint Registrar of Cooperative Societies [Consumer Society], Kilpauk, Chennai-10, who in turn, forwarded the

same to the 1st respondent requesting him to take appropriate action and inform the same. In spite of it, the petitioner has not been favoured with any response and hence, he came forward to file WP.No.24019/2015.

3.The petitioner in WP.No.24020/2015 would state that he was appointed as Salesman in the services of the Tamilnadu Civil Supplies Corporation during the year 1985 and was absorbed in A.Gudalur Agricultural Services Cooperative Society on 27.11.1987 and thereafter, he was transferred to the services of the 2nd respondent - Society on 07.09.1991. The petitioner would state that on account of his illness, he was not able to continue his service with the 2nd respondent - Society and after getting cured, has approached the 2nd respondent on 30.10.1992 and he made a request to permit him to join duty. However, he has not been favoured with any response. In this regard, the petitioner submitted a representation to the 1st respondent with a copy marked to the Joint Registrar of Cooperative Societies [Consumer society], Kilpauk, Chennai-10, who in turn, forwarded the said representation to the 1st respondent vide his letter dated 16.04.2015 and to inform the decision taken and since the petitioner has not been favoured with any response, he came forward to file WP.No.24020/2015.

4.Heard the learned counsel for the petitioners who would submit that though the petitioners are repeatedly corresponding with the concerned authorities to know their fate, they have not been favoured with any response and hence, they came forward to file the present writ petitions.

5.Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader [Co-op], who accepts notice on behalf of the respondents, would submit that the petitioners under the guise of filing these writ petitions, want to revive a stale claim and create new cause of action and therefore, the writ petitions are, perse, not maintainable.

6.However, the learned counsel for the petitioners would submit that in the light of the letter of the Joint Registrar of Cooperative Societies, [Consumer Society], Chennai-10, requesting the 1st respondent to take appropriate action and inform the petitioners, this Court may pass appropriate direction, directing the 1st respondent to do the needful.

7.This Court, taking into consideration the rival submissions and without going into the merits of the claim projected by the petitioners in these writ petition, directs the 1st respondent to act on the letter of the Joint Registrar of Cooperative Societies, [Consumer Society], Kilpauk, Chennai-10, in Na.Ka.No.70023/2014/Po.Vi.Thi.Mu.2[1] dated 16.04.2015 and communicate the decision taken, to the petitioners within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

AP

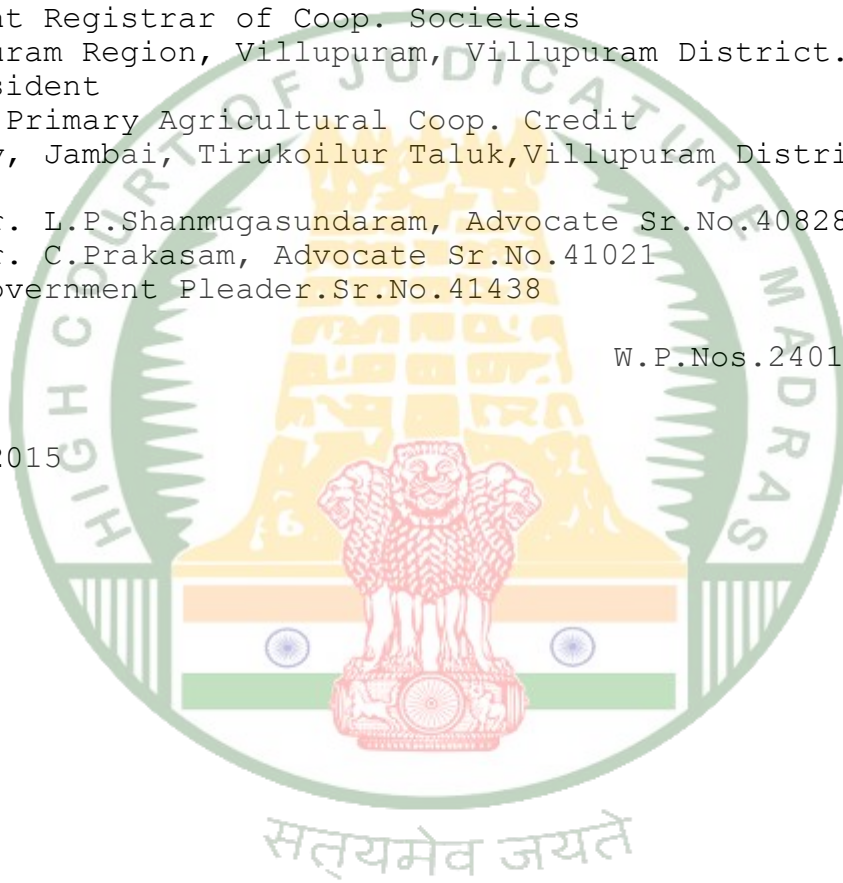
To

- 1.The Joint Registrar of Coop. Societies
Villupuram Region, Villupuram, Villupuram District.
- 2.The President
Jambai Primary Agricultural Coop. Credit
Society, Jambai, Tirukoilur Taluk,Villupuram District.

- 1 cc to Mr. L.P.Shanmugasundaram, Advocate Sr.No.40828
- 2 cc to Mr. C.Prakasam, Advocate Sr.No.41021
- 1 cc to Government Pleader.Sr.No.41438

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