

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.24179 of 2015

1. A.Settu
2. P.Natarajan

...Petitioners

Vs.

1. The Registrar of Cooperative Societies,
No.170 N.V.N.Maalgai,
Kilpauk, Chennai - 10
2. The Joint Registrar of Cooperative Societies,
Vellore Region, Vellore
3. Vellore District Consumer Cooperative
Wholesale Stores Ltd.,
Rep. By its Managing Director,
Vellore, Vellore District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to transfer the petitioners service benefits with interest pursuant to the order of the second respondent in Na.Ka.No.4837/2013 A2, dated 21.04.2014.

For Petitioners : Mr. C.K.Chandrasekhar

For Respondents : Mr. E.M.S.Natarajan, Govt. Advocate

ORDER

Admit. Mr.E.M.S.Natarajan, learned Government Advocate, takes notice for respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioners would state that the first petitioner is still in service and the second respondent had retired from service of C-2466 Mittur Primary Agricultural Cooperative Credit Society, Mittur, Vaniambadi Taluk, Vellore District. The first petitioner was the Senior Clerk and the second petitioner is the Junior Assistant and on account of the financial crises, the petitioners were deputed to work as Salesman in the services of the third respondent. Accordingly, they were relieved on 29.09.2010 and joined the services of the third respondent, on 01.10.2010. The petitioners had worked in the services of the third respondent for about 29 months and during that period, the third respondent has entered into wage settlement under Section 18 (1) of the Industrial Disputes Act, and the names of the petitioners were also included in the said settlement and as such, they are entitled to the benefits of the said settlement. The third respondent had relieved the petitioners on 22.02.2013 and the petitioners were rejoined in the parent society on 25.02.2013.

3. In the parent society, namely, C-2466 Mittur Primary Agricultural Cooperative Credit Society, Mittur, Vaniambadi Taluk, Vellore District, the first petitioner was allowed to retire from the services and the second petitioner continued to remain in the service of the said society.

4. The petitioners submitted a representation praying for conferment of the deputation, gratuity, encashment, Earned Leave, EPF and other benefits and a positive recommendation was also made by the second respondent to the third respondent, vide letter in Na.Ka.No.4837/2013/A2, dated 21.04.2014 and since it was not complied with, the petitioners had submitted representations and once again, The Deputy Registrar of the Cooperative Societies, Tirupattur, Vellore, has requested the third respondent to confer the petitioners with such benefits. The grievance expressed by the petitioners is that, inspite of such directions, the third respondent did not comply with the same and hence, they have come forward to file this writ petition.

5. The learned counsel for the petitioners submitted that, in the light of the positive recommendations made by the Officials of the Cooperative Department, there cannot be any impediment on the part of the third respondent to consider the claim of the petitioners and confer them with the benefits, which they are lawfully entitled to and prays for appropriate orders.

6. This Court heard the submissions of the learned counsel for the petitioners and Mr.E.M.S.Natarajan, learned Government Advocate,

who accepts notice on behalf of the respondents.

7. This Court, taking into consideration the above facts and circumstances and without going into the merits or otherwise of the matter, directs the third respondent to take into account, the communication, dated 21.04.2014, made in Na.Ka.No.4837 of 2013 A2, sent by the second respondent to the third respondent as well as the communication in Na.Ka.Nos.914 of 2014 Va.Sa., dated 14.05.2015 and 1531/2015 Va.Sa., dated 25.05.2015, sent by the Deputy Registrar of Cooperative Societies, Tirupattur, Vellore District, to the third respondent and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners.

8. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Registrar of Cooperative Societies,
No.170 N.V.N.Maalgai,
Kilpauk, Chennai - 10
2. The Joint Registrar of Cooperative Societies,
Vellore Region, Vellore
3. The Managing Director,
Vellore District Consumer Cooperative Wholesale Stores Ltd.,
Vellore, Vellore District

- 1 CC to Mr. C.K.Chandrasekhar, Advocate SR.No. 40764
1 CC to Mr. E.M.S.Natarajan, Advocate SR.No. 40827
1 CC to the Government Pleader, SR.No. 40929

W.P.No.24179 of 2015

SV (CO)
PSI (02.09.2015)