

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26381 of 2015

N.Sankar

... Petitioner

Vs.

1. The Registrar of Co-operative Societies
Kilpauk Chennai - 10.
2. The Joint Registrar of Co-operative Societies
Dharmapuri Region
Dharmapuri.
3. The Deputy Registrar of Co-operative Societies
Dharmapuri Region
Dharmapuri.
4. The President
S-749 Santhapatti
Primary Agricultural Co-operative Credit Society
Santhapatti Post
Harur Taluk Dharmapuri District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th Respondent to consider the petitioner representation dated 26.12.2014 and 22.01.2015 and disburse the monetary benefits with interest of 18% per annum within a time framed by this Honourable Court.

For Petitioner : Mr.J.Rajendra Prabhu

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

O R D E R

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

2.The petitioner would state that he joined as the Secretary of the S.749 Santhapatti Primary Agricultural Co-operative Credit Society, Santhapatti Post, Harur Taluk, Dharmapuri District and claims that he rendered hard, sincere and blemishless service to the satisfaction of the superior officers. The petitioner would further state that since he was un-well, he was advised to undergo medical treatment and he applied to the fourth respondent to grant medical leave from 03.01.2010 to 15.04.2010 by submitting the leave application by registered post with acknowledgement due and it was refused to be received and returned to him.

3.It is also stated by the petitioner that he was placed under suspension from 24.08.2002 which continued till 06.01.2005 and challenging the same, he filed W.P.No.12540 of 2004 and this Court vide order dated 09.08.2006 has set aside the order and remanded the matter to the fourth respondent herein and has also observed that if the respondent is so advised to take action against the petitioner, they can do so in accordance with law, i.e., action can be taken by the person competent to do so. The petitioner once again sent the leave application to the fourth respondent requesting earned leave from 01.09.2008 to 07.04.2009 and it was also returned as refused. The grievance now expressed by the petitioner is that the following payments are due and payable, namely,

"1.Pay and Allowance for me period from 24.08.2002 to 06.01.2005.

2.Leave salary for the Medical Leave period from 03.01.2010 to 15.04.2010.

3.Earned leave salary for the period from 01.09.2008 to 07.04.2009.

4.Annual increments."

The petitioner in this regard, has submitted representations dated 26.12.2014 and 22.01.2015 to the fourth respondent and though the representations have been received and acknowledged, he is yet to be favoured with any response and hence, came forward to file this writ petition.

4.Heard the submissions of Mr.J.Rajendra Prabhu, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operative) who accepts notice on behalf of the respondents.

5.This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the fourth respondent to consider and dispose of the petitioner's representations dated 26.12.2014 and 22.01.2015 on merits and in accordance with law and pass 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 petitioner.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Registrar of Co-operative Societies
Kilpauk Chennai - 10.
2. The Joint Registrar of Co-operative Societies
Dharmapuri Region
Dharmapuri.
3. The Deputy Registrar of Co-operative Societies
Dharmapuri Region
Dharmapuri.
4. The President
S-749 Santhapatti
Primary Agricultural Co-operative Credit Society
Santhapatti Post
Harur Taluk Dharmapuri District.

+1cc to Mr.J.Rajendra Prabhu, Advocate, S.R.No.45154
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.45184
+1cc to the Government Pleader, S.R.No.45424

W.P.No.26381 of 2015

BVR(CO)
CA(11/09/2015)