

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31088 of 2015

R.Arumugam

... Petitioner

Vs.

1. The State Registrar
Central Cooperative Society 170
E.V.K. Periyar Road Kilpauk Chennai 10
2. The Managing Director/
Joint Registrar Central Cooperative Bank
Thiruvannamalai

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in Na.Ka.No.336/2015/E1 dated 15.04.2015 and quash the same as illegal, incompetent and further direct the 2nd respondent to release the gratuity fund to the petitioner.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.T.P.Savitha for R1
Government Advocate
Mr.L.P.Shanmugasundaram for R2
Special Government Pleader (Co-op)

O R D E R

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

2.The petitioner retired from the services of the second respondent as Assistant General Manager and though he retired from service in the year 2004, the pensionary and other terminal benefits have not been settled/ withheld and in this regard, submitted representation to the second respondent and it was

rejected vide impugned order dated 15.04.2015 on the ground that as against the surcharge proceedings dated 12.06.2006, he filed appeal before the Special Tribunal/ Co-operatives and obtained interim order in I.A.No.4 of 2006 in CTA No.3 of 2006. The petitioner challenging the legality of the same, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that pendency of the appeal before the Tribunal is not a bar to entitle the petitioner to get the terminal/ pensionary benefits and in this regard, placed reliance upon the order dated 01.08.2014 made in W.P.No.33277 of 2012.

4.Per contra, Mrs.T.P.Savitha, learned Government Advocate who accepts notice on behalf of the first respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operatives) who accepts notice on behalf of the second respondent would submit that the petitioner is having an effective alternative remedy before the Joint Registrar under Section 153(1) of the Tamilnadu Co-operative Societies Act, 1983 and therefore, the petitioner may be directed to approach the jurisdictional Joint Registrar for redressal of his grievance.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, permits the petitioner to file a revision against the order dated 15.04.2015 passed by the second respondent within a period of two weeks from the date of receipt of a copy of this order and the jurisdictional Joint Registrar, namely, the Joint Registrar of Tamil Nadu Co-operative Societies, Thiruvannamalai is directed to entertain the revision, if the papers are otherwise in order without putting the issue of limitation and pass orders on merits and in accordance with law within a period of six weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The State Registrar
Central Cooperative Society 170
E.V.K. Periyar Road Kilpauk Chennai 10
2. The Managing Director/
Joint Registrar Central Cooperative Bank
Thiruvannamalai
3. The Joint Registrar,
Tamil Nadu Cooperative Societies,
Thiruvannamalai.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.53478
+1cc to the Government Pleader, S.R.No.53690

W.P.No.31088 of 2015

BVR(CO)
CA(16/10/2015)



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