

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31102 of 2015

1.G.Raghunath
2.M.Ranganathan
3.M.Sakthivel
4.S.Kumaravel
5.A.manikandan
6.V.Senthilkumar
7.N.Somasundaram
8.T.Kandan
9.P.Seran

... Petitioners

Vs.

1. The Chief Secretary
Government of Pondicherry Pondicherry
2. The Secretary (Cooperative)
Government of Pondicherry Pondicherry
3. The Registrar of Cooperative Societies
Government of Pondicherry
Pondicherry

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to provide alternate employment to the petitioners in any other cooperative societies under the control of the respondents and in the light of the representations made by the petitioners.

For Petitioners : Mr.V.Vijay Shankar

For Respondents : Mr.Syed Mustafa
Special Government Pleader (Pondy)

O R D E R

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

2.The petitioners would state that all of them have joined the services of the Bharathi Co-operative Consumers Stores Limited as Salesman/ General Workers and were appointed on daily wages and they were in service right from the year 2002 onwards and also put in continuous service. The petitioners would further state that as per the bye laws of the above said society, the benefits such as payment of gratuity on completion of five years of service, earned leave encashment upto 240 days, bonus, EPF contribution (both employer and employee) have also been conferred with and the age of retirement was initially fixed at 58 years and later enhanced to 60 years. However, the society has continued to incur loss and the Co-operative Department of the Government of Pondicherry has constituted a Committee for rehabilitation and made a recommendation that a phased voluntary retirement scheme is to be implemented and also suggested few of the employees to be transferred to other viable societies.

3.The petitioners would further state that from the year 2011 onwards no salary or wages have been regularly paid to them and in the interregnum, the society is also been liquidated, but no positive proposal is emanating to accommodate the petitioners in the services of other viable societies and hence, came forward to file this writ petition.

4.The learned counsel appearing for the petitioners has drawn the attention of this Court to the additional typed set of documents which contain the opinion obtained by the petitioners under the Right To Information Act and would submit that a positive note has been put up by the Registrar of Co-operative Societies, to accommodate the petitioners in the viable societies which continue to operate and infact the Co-operative Department of the Government of Pondicherry has convened very many meetings, to discuss for viable co-operative societies for employees of liquidated societies namely, Bharathi Co-operative Consumers Stores "in which the petitioners were working", Pondicherry Public Servants Co-operative Stores and Ariankuppam Public Servants Co-operative Stores Limited and inspite of it no positive steps have been taken to accommodate the petitioners and consequently, they and their families are suffering very much and hence prays for appropriate orders.

5.Heard the submissions of Mr.V.Vijay Shankar, learned counsel appearing for the petitioners and Mr.Syed Mustafa, learned Special

Government Pleader (Pondy) who accepts notice on behalf of the respondents.

6.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the respondents 1 to 3 to take into consideration the I.D.Note bearing no.5/4/2/6/RCS/CONS/H2/2011 dated 13.11.2014, 12.12.2014 on the file of the second respondent and take positive steps and pass appropriate orders as to the accommodation of the petitioners in the viable societies, and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.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 Chief Secretary
Government of Pondicherry Pondicherry
2. The Secretary (Cooperative)
Government of Pondicherry Pondicherry
3. The Registrar of Cooperative Societies
Government of Pondicherry
Pondicherry.

+1cc to Mr.V.Vijaya Shankar, Advocate, S.R.No.53451
+1cc to the Government Pleader, Pondicherry, S.R.No.53542

W.P.No.31102 of 2015

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