In the High Court of Judicature at Madras

Dated: 09.10.2015

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The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.32093 of 2015

M.Ravikumar .... Petitioner

Vs.

1. 8994 The Thiruchengode Town Coop Urban Bank Ltd.
Thiruchengode, Namakkal Dt.
rep. by its President

2. The Joint Registrar of Coop Societies,
Namakkal Zone, Namakkal Dt.

.... Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to permit the petitioner to retire from service with effect from 28.2.2015 the date of completion of the age of 58 deeming that the petitioner was holding the post of Assistant as on 28.2.11 by virtue of the order dated 24.7.2015 of the 2nd respondent made in Revision Petition No.Na.Ka.2270/2015 Sa Pa dated 24.7.2015 under Section 153 of the Tamil Nadu Coop Societies Act 1983.

For Petitioner : Mr.S.Venkataraman

For Respondents : Mr.L.P.Shanmugasundaram, Spl.G.P.

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner has joined the services of the first respondent on 18.2.1977 as Office Assistant and got his promotion as Assistant on 01.12.1978. According to him, the age of retirement of Office Assistant is 60 years and the age of retirement of all other cadre is 58 years. The petitioner got his promotion as Assistant and therefore, he claims that he has to retire on attainment of age of 58 years. In the interregnum, the petitioner, on completion of enquiry, was imposed with the penalty of reversion of Office Assistant and consequently, he was not allowed to retire on attainment of age of 58 years. However, the petitioner filed revision petition before the second respondent, who, vide order dated 24.7.2015, set aside the order of reversion and modified the penalty into stoppage of

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increment for a period of two years with cumulative effect. The second respondent also restored the petitioner in the post of Assistant.

3. The grievance now expressed by the petitioner is that he is deemed to be in the post of Assistant and consequently, he has to retire on attaining the age of 58 years and though he has crossed the age, still his services are being retained and hence, in this regard, submitted a representation to the respondents dated 10.9.2015. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

4. Heard the submissions of Mr.S.Venkataraman, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the first respondent to consider the representation of the petitioner dated 10.9.2015 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1. 8994 The Thiruchengode Town Coop Urban Bank Ltd.
Thiruchengode, Namakkal Dt.
rep. by its President

2. The Joint Registrar of Coop Societies,
Namakkal Zone, Namakkal Dt.

+1 cc to Mr.S.Venkataraman, Advocate, sr.55338
+1 cc to Mr.L.P.Shanmugasundaram, Advocate, sr.55226
+1 cc to The Government Pleader, sr.55591

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