

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM :

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.NO.32584 OF 2015

C.Periyasamy

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Petitioner

vs

1.The Deputy Registrar,
Co-operative Societies,
Erode Division,
Erode - 638 009.

2.Modakurichi Saraga Asiriyar & Podhu Paniyalargal
Kotturavu Sikkana Matrum Kadan Sangam Limited,
MTPSCCS PE 65,
Represented by its President,
7, Cooperative Park,
Modakurichi 638 104,
Erode District.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issue of writ of certiorarified mandamus calling for the records of the 2nd respondent in his order dated 20.04.2015, quash the same and direct the 2nd respondent to disburse the salary of the petitioner for January 2015 and all the retiral benefits such as gratuity, leave encashment etc., due to the petitioner with interest @ 18% per annum from the date of retirement till the date of payment.

For Petitioner : Mr.Menon

For Respondent : Mrs.T.P.Savitha ,
Govt. Advocate (co.op) for R1
Mr.L.P.Shanmugasundaram
Special Govt. Pleader for R2

O R D E R

By consent, the writ petition is taken up for disposal at the admission stage itself.

2. Though this writ petition has been filed challenging the order of the second respondent wherein the second respondent has stated that the retirement benefits of the petitioner would

be disbursed only after the proceedings initiated under Section 81 of the Tamil Nadu Co-operative Societies Act, the learned counsel for the petitioner submitted that after the impugned order, the petitioner has given a representation to the respondent and if a direction is issued to re-consider the representation, the petitioner would be satisfied.

3. The learned counsel for the petitioner submitted that in the decision reported in 2015 (3) L.W. 513 [M.Sekar v. The Registrar General, Madras High Court, Chennai & Others], this Court has held that the respondent cannot withhold the terminal benefits of an employee of the Co-operative Society pending enquiry under Section 81 of the Act or the proceedings under Section 87 of the Act.

4. Heard Mr.Menon, learned counsel for the petitioner, Mrs.T.P.Savitha, Govt. Advocate (co.op) for the 1st respondent and Mr.L.P.Shanmugasundaram, Special Govt. Pleader for the 2nd respondent.

5. In view of the submissions made by the learned counsel for the petitioner, the petitioner is permitted to submit one more representation enclosing the copy of this order of this order and relevant documents to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt, the second respondent, is directed to consider the same, on merits and in accordance with law and pass orders, within a period of six weeks therefrom and communicate the decision to the petitioner.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

True Copy

Sub Assistant Registrar

To

1.The Deputy Registrar,
Co-operative Societies,
Erode Division,
Erode - 638 009.

WEB COPY

2.The President,
Modakurichi Saraga Asiriyar & Podhu Paniyalargal
Kotturavu Sikkana Matrum Kadan Sangam Limited,
MTPSCCS PE 65,
7, Cooperative Park,
Modakurichi 638 104,
Erode District.

+1cc to Mr.Menon Karthik Mukundan, Advocate sr.65462

+1cc to Mr.L.P.Shanmugasundaram, Advocate sR.65138

+1cc to The Government Pleader Sr.65263

W.P.No.32584 of 2015

tm[co]
srg 21/12/2015



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