

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.Nos.9880 & 9881 of 2015 &
M.P.Nos.1 & 1 of 2015

- 1 Tamilnadu State Transport Corporation (Salem Divn-I) Emp. Co-op. Thrift & Credit Society Ltd. S.S.59 Rep. by Secretary No.164, A2 Ellean Complex, Sathanarayan Road, Swarnapuri, Salem. .. Petitioner in W.P.No.9880 of 2015
 - 2.D.D.158, Tamilnadu State Transport Corporation (Salem Division -II), Employees' Co-operative Thrift and Credit Society Ltd., rep. by its Secretary No.66, Feet Road, Bharathipuram, Dharmapuri 636 705. .. Petitioner in W.P.No.9881 of 2015
- Vs
- 1 The Government of Tamilnadu Rep. by its Secretary to Government Transport Department Fort St. George, Chennai-9.
 - 2 The Managing Director Tamilnadu State Transport Corporation (Salem) No.12 Ramakrishna Road Salem- 636007. .. R1 & R2 in both the W.Ps.
 - 3 The Deputy Registrar of Co-operative Societies Salem Circle, Salem. .. R3 in W.P.No.9880 of 2015
 - 4 The Deputy Registrar of Co-operative Societies Dharmapuri Circle, Dharmapuri. .. R3 in W.P.No.9881 of 2015

PRAYER IN W.P.No.9880 of 2015

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the second respondent to pay sum of Rs.30,92,83,224.95/- payable to the petitioner society deducted it from the salaries of the employees of the 2nd respondent in default the 3rd respondent to initiate action under Section 48(8) of the Tamilnadu Co-operative Societies Act.

PRAYER IN W.P.No.9881 of 2015

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the second respondent to pay sum of Rs.15,68,01,101/- deducted by it from the salaries of the members of the petitioner society in default the 3rd respondent to initiate action under Section 48(8) of the Tamilnadu Co-operative Societies Act.

For Petitioners ... Mr.M.S.Palaniswamy
For Respondents ... Mr.D.Venkatachalam
Govt. Advocate R1 & R3
Mr.P.Paramasivadosh - R2

C O M M O N O R D E R

With the consent of the learned counsel appearing on either side, the writ petitions are taken up for final disposal.

2. Heard Mr.M.S.Palaniswamy, learned Counsel appearing for the petitioners, Mr.D.Venkatachalam, learned Government Advocate appearing for the respondents 1 & 3 and Mr.P.Paramasivadosh, learned counsel appearing for the second respondent.

3.The petitioners are Co-operative Societies and they have filed these Writ Petitions for issuance of writ of mandamus to direct the second respondent to pay a sum of Rs.30,92,83,224.95/- & a sum of Rs.15,68,01,101/- respectively payable to the petitioners Societies, which were deducted from the salaries of the employees of the second respondent and in default to initiate action under section 48 (8) of the Tamil Nadu Co-operative Societies Act.

4.At the out set, it has to be pointed out that in a writ of mandamus, no such direction can be issued to settle a money claim. However, in the instant case, it appears that the third

respondent has already issued a notice on 16.3.2012 and the matter is now pending without any progress.

5.The learned counsel appearing for the respondents submits that the third respondent may be directed to proceed further and take action in accordance with law.

6.Accordingly, while rejecting the prayer for issuance of writ of mandamus to direct the payment of the amount claimed, there will be a direction to the third respondent to proceed further, pursuant to the notice dated 16.3.2012, issued in terms of section 48(8) of the Tamil Nadu Co-operative Societies Act and take appropriate action in accordance with law, after notice to the petitioners and the second respondent. The above direction shall be complied within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

rpa
To

- 1 Secretary to Government
Transport Department
The Government of Tamilnadu
Fort St. George, Chennai-9.
- 2 The Managing Director
Tamilnadu State Transport Corporation (Salem)
No.12 Ramakrishna Road
Salem- 636007.
- 3 The Deputy Registrar of
Co-operative Societies
Salem Circle, Salem.
- 4 The Deputy Registrar of
Co-operative Societies
Dharmapuri Circle, Dharmapuri.

+2 ccs to Mr.M.S.Palaniswamy, Advocate, sr.65781

+1 cc to Government Pleader, sr.65967

vsn co

kra 29.12.2015

W.P.Nos.9880 & 9881 of 2015