

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40096 of 2015

O.K.Subramani

... Petitioner

vs.

- 1.The Joint Registrar of Co-operative Societies, Thiruvannamalai District, Thiruvannamalai.
 - 2.The Deputy Registrar of Co-operative Societies, Thiruvannamalai District, Thiruvannamalai.
 - 3.The Special Officer/Co-operative Sub-Registrar, Thiruvannamalai District Consumers Co-operative Wholesale Stores Limited, Thiruvannamalai.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to consider the representation of the petitioner dated 26.12.2013 and pass orders to grant gratuity, salary and other benefits to the petitioner.

For Petitioner :Mr.S.Ramesh Kumar

For Respondents :Ms.T.Girija,
Govt. Advocate.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to consider the representation of the petitioner dated 26.12.2013 and pass orders to grant gratuity, salary and other benefits to the petitioner.

3. It is the case of the petitioner that he joined as Salesman in Vellore District Consumers Co-operative Wholesale Stores Limited on 08.07.1971. In the year 1996, he was promoted as Junior Assistant and after the creation of Thiruvannamalai District in the year 1997, he has been working in the Thiruvannamalai District Consumers Co-operative Wholesale Stores Limited. While he was working as Branch Manager in Polur Branch, he was served with a letter dated 20.06.2009 to submit the accounts relating to the engagement of lorries from private operators for distribution of civil supplies with the head office and the same was also submitted. After the submission of all the accounts, a deficit arose out of 'unpassed challans' kept with the head office for more than four years. Further, he was allowed to retire from service on 31.03.2010.

4. While so, on 16.12.2011, the 3rd respondent concluded that the alleged deficit is only Rs.99,160/- and the 3rd respondent has recommended for passing of the vouchers to an extent of Rs.11,138/-. In this regard, the petitioner sent a letter to the 3rd respondent and he had appointed another committee to look after the vouchers. The reappointed Committee has looked into the vouchers and recommended for clearing the vouchers to an extent of Rs.88,022/- in addition to the already recommended amount of Rs.11,138/-. Thus, the entire financial deficits alleged against him were recommended to be cleared. However, no fruitful order has been passed till date. The 3rd respondent has withheld the gratuity benefits of the petitioner without any legally acceptable reasons. Though several representations including the representation dated 26.12.2013 have been given by the petitioner, no effective steps were taken. Hence the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representation of the petitioner dated 26.12.2013 seeking gratuity and other benefits, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the

claim projected by the petitioner and it is for the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The Joint Registrar of Co-operative Societies, Thiruvannamalai District, Thiruvannamalai.
- 2.The Deputy Registrar of Co-operative Societies, Thiruvannamalai District, Thiruvannamalai.
- 3.The Special Officer/Co-operative Sub-Registrar, Thiruvannamalai District Consumers Co-operative Wholesale Stores Limited, Thiruvannamalai.

+1cc to M/S.S.Rameshkumar, Advocate Sr.52761

+1cc to M/S.L.P.Shanmugasundaram, Advocate Sr.53158

W.P.No.40096 of 2015

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srg 07/10/2016

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