

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

WRIT PETITION No.36680 of 2016

V.Arumugam

... Petitioner

Vs.

1. The Secretary to Government,
Labour & Employment Department,
Secretariat, Chennai 600 009.
2. The Registrar of Co-operative Societies,
Co-operative Societies,
Chennai 600 010.
3. The Joint Registrar of Co-operative Societies,
Krishnagiri Region,
Krishnagiri District.
4. The Deputy Registrar of Co-operative Societies,
Krishnagiri Region,
Krishnagiri District.
5. The President,
S.512, Vilangamundi Agricultural Co-operative
Credit Society Ltd., Vilangamudi - 635 204.
Pochampalli Taluk,
Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to consider the representation dated 12.08.2016 of the petitioner, with regard to the 5th respondent for the period from 01.01.2013 to 21.08.2015.

For Petitioner : Mr.G.Punniakoti

For R1 : Mr.K.Dhananjayan
Special Government Pleader

For R2 to R5 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

Seeking a direction to the respondents to consider his representation dated 12.08.2016 to disburse the monetary benefits due to him, the petitioner has come up with this Writ Petition.

2. It is the case of the petitioner that while he was working as a Junior Clerk in S.512, Vilangamudi Primary Agricultural Co-operative Credit Society Ltd., Vilangamudi, he went on medical leave from 27.03.2013 to 27.10.2013 and extended his leave upto 28.11.2013. While so, he was placed under suspension by the Management of the Society w.e.f. 25.10.2013 F.N. and subsequently, charge memo was issued and he was dismissed from service on 21.08.2015. The petitioner's grievance is that he has not been paid the duty pay and allowances for the period from 01.01.2013 to 27.03.2013 and the leave salary and allowances for the period between 28.03.2013 and 28.10.2013, as per the special by-laws relating to the service candidates of the employees of Primary Agricultural Co-operative Credit Societies.

3. In this regard, the petitioner submitted a representation dated 04.11.2013 to the Deputy Registrar of Co-operative Societies, Krishangiri, who, by his letter Na.Ka.No.4126/2013/Tho.Va, dated 22.11.2013, instructed the President of the Society to disburse the petitioner the duty pay for the period from 01.01.2013 to 27.03.2013 and pay the allowance for the period of medical leave from 28.03.2013 to 28.10.2013, as per rules and Special By-laws of the Society, subject to eligibility. But, the President has not complied with the said order. The petitioner also made a representation to the Deputy Commissioner of Labour, Salem seeking payment of subsistence allowance from 25.10.2013 to 21.08.2015, and the said authority issued an order to the President of the Society to disburse the same to the petitioner, forthwith. Since the said monetary benefits are due to the petitioner, he made a representation to the respondents herein on 12.08.2016 requesting to disburse the monetary benefits due to him. Since no orders are passed on the said representation, having no other alternative remedy, the petitioner has come up with this Writ Petition.

4. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the respondent concerned may be directed to consider the petitioner's representation and pass appropriate orders.

5. In view of the above, this Court directs the 5th respondent to consider the petitioner's representation dated 12.08.2016 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary to Government,
Labour & Employment Department,
Secretariat, Chennai 600 009.
2. The Registrar of Co-operative Societies,
Co-operative Societies, Chennai 600 010.
3. The Joint Registrar of Co-operative Societies,
Krishnagiri Region, Krishnagiri District.
4. The Deputy Registrar of Co-operative Societies,
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5. The President,
S.512, Vilangamundi Agricultural Co-operative
Credit Society Ltd., Vilangamudi - 635 204.
Pochampalli Taluk, Krishnagiri District.

+1cc to Mr.G.Punniakoti, Advocate, S.R.No.62567
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.62736
+1cc to the Government Pleader, S.R.No.62849

W.P.No.36680 of 2016

NRI (CO)
CA(02/12/2016)