



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2016

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.10082 of 2016

S.Vadivel :Petitioner

vs.

1.The Deputy Registrar,
Co-operative Societies,
Kovilpatti,
Tuticorin District.

2.The President,
Tirunelveli Spl.39, Akilandampuram
Primary Agricultural Co-operative
Credit Society,
Akilandapuram,
Kovilpatti Taluk,
Tuticorin District.

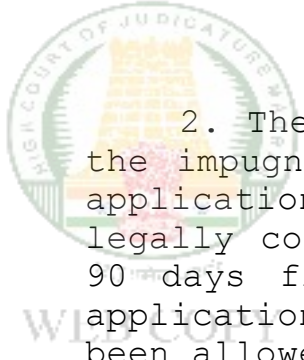
: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd respondent and quash the same and consequently direct the respondents to permit the petitioner to retirement and pay all the retirement benefits within the time stipulated by this Court.

For Petitioner :Mr.G.Gomathi Sankar
For Respondents :Mr.T.R.Janarthanam
Addl.Govt.Pleader

O R D E R

Mr.S.Vadivel, who was working as a weighter in the second respondent society, has said to have made an application for voluntary retirement on 30.07.2013, but his application was not considered. After making such application, the petitioner also remained absent and without even pursuing the matter for logical end has complained that the second respondent has passed the impugned order on 06.04.2016 holding him as a deserter, which is impermissible in law.



2. The learned counsel appearing for the petitioner assailing the impugned order would submit that, when any employee makes an application seeking voluntary retirement and if his request is not legally considered, even after completion of three months namely, 90 days from the date of submitting the application, the said application seeking voluntary retirement shall be deemed to have been allowed on completion of 90 days.

3. But that argument cannot be placed before this Court, since the petitioner after submitting his application seeking voluntary retirement on 30.07.2013 has chosen not to attend the office. Therefore, the respondent has rightly passed the impugned order holding him guilty of absenteeism and as a result, he has been named as a deserter.

4. Secondly, in any event, the petitioner cannot maintain the present Writ Petition against an order passed by the President of the Co-operative Society, in view of the Larger Bench Judgment of this Court which says that no Writ will lie against the Co-operative Society, as the petitioner has to approach the competent authority. Therefore, in the light of the larger bench judgment of this Court in **(K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal-636 001 and another)** reported in **(2006 (4) CTC 689)** the writ petition fails and the same is dismissed. It is open to the petitioner to approach the appropriate forum. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

mpk

To

1.The Deputy Registrar, Co-operative Societies,
Kovilpatti,Tuticorin District.

2.The President, Tirunelveli Spl.39, Akilandampuram
Primary Agricultural Co-operative
Credit Society, Akilandapuram,
Kovilpatti Taluk, Tuticorin District.

+1CC to Mr.G.Gomathi Sankar, Advocate Sr.No.29265

+1CC to Spl.Government Pleader Sr.No.29074

GJM/SKS/RR/23.6.16-3p-5c

W.P. (MD) No.10082 of 2016

08.06.2016