



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20685 of 2016

N.Balasubramanian

... Petitioner

vs.

1)The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.

2)The Registrar of Co-operative Societies (Housing),
2nd Floor Tamil Nadu Housing Board Buildings,
Anna Salai, Nanthanam,
Chennai-600 035.

3)The Deputy Registrar(Housing),
No.3, T.T. Salai,
Mani Nagaram,
Milk Diary Building,
Virudhunagar.

... Respondents

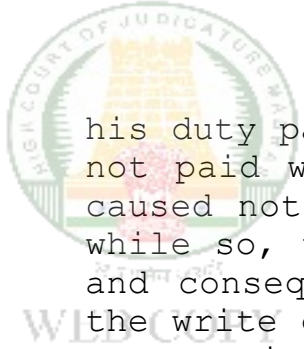
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 06.09.2016 in the proper perspective regarding payment of duty salary for the period from December 2010 to till date and rehabilitation of himself in any of the co-operative central bank or in any other wing of the co-operative department for his survival within a specified time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

ORDER

The petitioner was appointed as a Junior Assistant in Rameshwaram Co-operative Housing Society by the order dated 08.09.1999 of the Registrar of Co-operative Societies (Housing), Chennai, his name had been sponsored through the District Employment Exchange, Ramanathapuram; he joined duty on 01.10.1999;



his duty pay was paid from 01.10.1999 to November 2010; but he was not paid with duty salary from 01.12.2010 to till date which has caused not only monetary loss, but also mental harassment to him; while so, the Government ordered to write off housing loan arrears and consequently did not sanction subsidy to the society due to the write off of the loan arrears; hence, the society was not able to sanction fresh loan and not having any income and this is the reason for non payment of duty salary.

2.It is further submitted that the petitioner has passed SSLC and diploma in Co-operation; though the Government is often announcing that the employees of the society would be absorbed in the vacancies in other wings of the Co-operative department, so far, the employees have not been rehabilitated in any of the regular posts in other areas of the Co-operative department; so stating, the petitioner made a representation dated 06.09.2016 to the respondents, praying to take early action for payment of duty salary as well as rehabilitation of the petitioner in any of the Co-operative Central Bank or in any other wing of the Co-operative department for his survival; that representation has not been considered and therefore, the petitioner has filed this writ petition for a direction to the respondents to consider his representation dated 06.09.2016.

3.The learned Additional Government Pleader appearing for the respondents would submit that the Secretary of the Co-operative Society is not made as a party respondent in this writ petition.

4.The learned counsel for the petitioner would submit that there is no use in impleading the Secretary of the Co-operative Society in this writ petition, as the solution is expected to come only from the side of the Government and the Government has to allocate funds to the society or provide alternative channel of employment to the petitioner and similarly placed persons to be accommodated in any other wing of the Co-operative department and such a step has to emanate only from the Government.

5.Be that as it may, having regard to the limited relief sought for in this writ petition which is only to consider the representation of the petitioner dated 06.09.2016, this Writ Petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 06.09.2016 in the light of the averments made therein, and to pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

- 1) The Secretary to Government,
Housing and Urban Development Department,
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- 2) The Registrar of Co-operative Societies (Housing),
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Anna Salai, Nanthanam, Chennai-600 035.
- 3) The Deputy Registrar(Housing),
No.3, T.T. Salai, Mani Nagaram, Milk Diary Building,
Virudhunagar.

+1 CC to Mr.S.VISVALINGAM, Advocate, SR No.64023

W.P (MD) No.20685 of 2016
26.10.2016

nbi

SH/CK:15.11.2016:2P/5C