

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9988 of 2017

M.Narayanamurthy

.. Petitioner

-vs-

1. The Registrar of Co-operative Societies
NVN Maaligai
No.170, EVR Periyar Salai
Kilpauk, Chennai 600 010
2. The Joint Registrar of Co-operative Societies
Thiruvallur District
Thiruvallur
3. The President/Managing Director
Thiruvallur District Consumer
Co-operative Wholesale Society Ltd.,
Thiruvallur, Thiruvallur District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent to pay the retirement benefits to the petitioner with all monetary emoluments in pursuance of the order dated 29.02.2016 made in Na.Ka.No.1433/2015/A5 passed by the second respondent forthwith.

For Petitioner :: Mr.C.Prabakaran

For Respondents :: Mrs.T.Girija

Government Advocate for R1 & 2

Mr.L.P.Shanmughasundaram for R3

ORDER

The petitioner was appointed as Salesman in the third respondent society on 22.12.85 and subsequently promoted as Junior Assistant on 22.1.2008. Thereafter, on reaching the age of superannuation on 30.6.2014, the petitioner was allowed to retire from service by the third respondent. However, the third respondent initiated surcharge proceedings stating that only after completion of the surcharge proceedings, his retiral benefits will be disbursed vide order dated 30.6.2014 bearing Na.Ka.No.21 of 2014. Challenging the same, the petitioner filed

W.P.No.27494 of 2014 and this Court passed an order on 16.10.2014 directing the petitioner to file a revision under Section 153 of the Tamil Nadu Cooperative Societies Act. Accordingly, the petitioner filed a revision under Section 153 of the Tamil Nadu Cooperative Societies Act. Finally the revisional authority, considering the case of the petitioner, setting aside the order dated 30.6.2014, passed final orders on 29.2.2016 directing the third respondent to disburse the retiral benefits to the petitioner. But finding no response, he has given representations on 23.1.2017 and 14.3.2017. The same having not been responded to favourably by the third respondent, he has come to this Court.

2. Mr.L.P.Shanmughasundaram, learned counsel, taking notice on behalf of the third respondent, sought four weeks time to consider and pass appropriate orders on the representations of the petitioner.

3. This Court, in the light of the order dated 29.2.2016 passed by the revisional authority under Section 153 of the Tamil Nadu Cooperative Societies Act, hereby directs the third respondent to pass appropriate orders on the aforementioned representations of the petitioner for disbursement of the retiral benefits within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Registrar of Co-operative Societies
NVN Maaligai
No.170, EVR Periyar Salai
Kilpauk, Chennai 600 010
2. The Joint Registrar of Co-operative Societies
Thiruvallur District
Thiruvallur

3. The President/Managing Director
Thiruvallur District Consumer
Co-operative Wholesale Society Ltd.,
Thiruvallur, Thiruvallur District

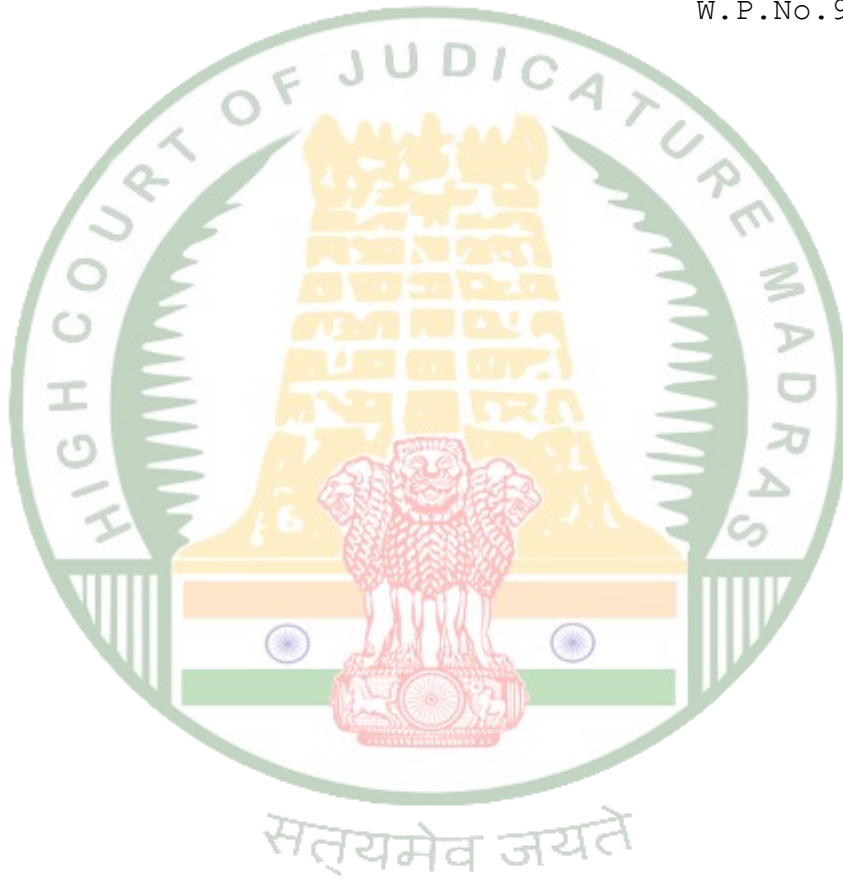
+1 CC to Mr.C. Prabakaran, Advocate sr 25079

+1 CC to Govt. Pleader sr 25324

+1 CC to Mr.L.P. Shanmuga Sundaram, Advocate sr 24808

W.P.No.9988 of 2017

CA (CO)
sp/5/5



WEB COPY