

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9989 of 2017

S.M.Thiruvenkadam

.. 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 Store Ltd.,
No.155/4, J.N.Road
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 11.01.2016 made in Na.Ka.No.978/2015/A3 passed by the second respondent forthwith.

For Petitioner :: Mr.C.Prabakaran

For Respondents :: Mrs.T.Girija
Government Advocate for R1 & 2
Mr.L.P.Shanmugasundaram for R3

ORDER

The petitioner was appointed as Salesman in the third respondent stores on 24.12.83 and subsequently promoted as Junior Assistant on 23.1.2008 and also as Superintendent on 1.8.2011. Thereafter, on reaching the age of superannuation on 31.3.2014, the petitioner was allowed to retire from service by the third respondent. However, the third respondent issued a charge memo stating that only after completion of the disciplinary proceedings, his retiral benefits will be disbursed

vide order dated 28.3.2014 bearing Na.Ka.No.1 of 2014. Challenging the same, the petitioner filed W.P.No.27343 of 2014 and this Court passed an order on 15.10.2014 directing the disciplinary authority to conclude the enquiry within a period of three months. Thereafter, the disciplinary authority concluded the enquiry and passed final orders on 16.2.2015 for stoppage of increment for two years without cumulative effect for the period 1.7.2012 and 1.7.2013 and ordered to recover the same from the earned leave salary of the petitioner, since the petitioner had retired from service. Aggrieved by the said order, the petitioner filed a revision under Section 153 of the Tamil Nadu Cooperative Societies Act before the second respondent. Finally the revisional authority, considering the case of the petitioner, setting aside the order dated 16.2.2015, passed final orders on 11.1.2016 directing the third respondent to disburse the retiral benefits to the petitioner. But finding no response, he has given representations on 11.1.2017 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 11.1.2016 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

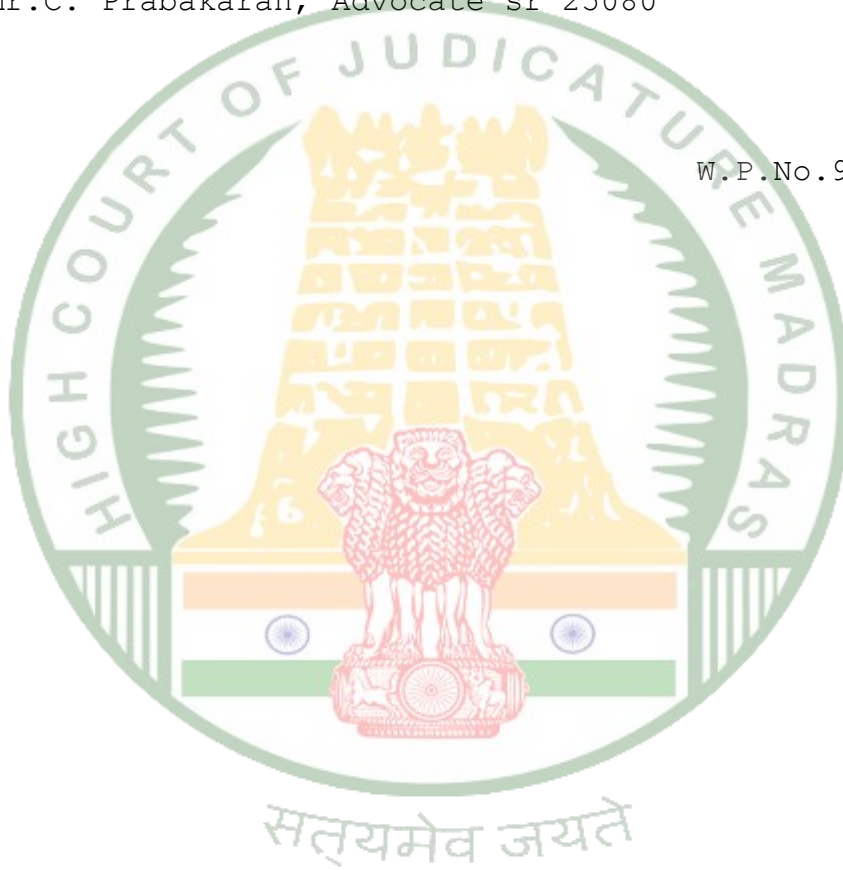
3. The President/Managing Director
Thiruvallur District Consumer
Co-operative Wholesale Stores Ltd.,
No.155/4, J.N.Road
Thiruvallur, Thiruvallur District

+1 CC to Govt. Pleader sr 25331

+1 CC to Mr.C. Prabakaran, Advocate sr 25080

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