

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14637 of 2017

M.Rajendran

.. Petitioner

-vs-

1. Ty.Spl.64, Kottiyal Primary Agricultural
Co-operative Credit Society Ltd.,
rep.by its President
Kottiyal 612 904
Udayarpalayam Taluk
Ariyalur District
2. Deputy Registrar of Co-operative Societies
Ariyalur Circle
No.213, Second Floor
Collector Office Campus
Ariyalur .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent Society to pay the petitioner terminal benefits, viz., provident fund as on 31.03.2009 with interest from 01.04.2009 to 18.01.2016 as claimed as Rs.9,24,199/-, Gratuity amount Rs.2,24,931/- and encashment of earned leave 240 days in the petitioner leave account Rs.88,840/- and the unpaid salary (from 1.2.2009 upto 9.2.2009) Rs.3555/- as claimed by him from the first respondent society and further interest till the date of actual payment.

For Petitioner :: Mr.R.Jeyaram

For Respondents :: Mr.L.P.Shanmughasundaram
Special Government Pleader

ORDER

The petitioner, who joined the services of the first respondent as Attender on 1.11.79, also worked as Assistant Secretary from 1.9.90. However, facing suspension on 9.2.2009, he suffered an order of termination on 20.7.2009. Aggrieved by the same, he filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act before the Joint Registrar of Co-operative Societies, Perambalur, which was also dismissed. Thereafter, it is his claim that the surcharge order passed

against the petitioner by the second respondent was also, on being challenged, set aside by the learned Principal and Sessions Judge, Ariyalur on 29.11.2012. Subsequently, during November, 2015, he has claimed financial benefits, namely, provident fund, gratuity and earned leave salary. Thereafter, he has also sent a legal notice on 21.1.2016. As his representation is pending for a long time, he has come to this Court with the present writ petition on the ground that the dismissal order will not disqualify the petitioner from claiming the aforementioned benefits.

2. Mr.L.P.Shanmughasundaram, learned Special Government Pleader, taking notice on behalf of the respondents, sought time to consider the petitioner's representation.

3. This Court, without going to the merits, hereby directs the respondents to consider and dispose of the pending representation of the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

ss

To

1. The President
Ty.Spl.64, Kottiyal Primary Agricultural
Co-operative Credit Society Ltd.,
Kottiyal 612 904
Udayarpalayam Taluk
Ariyalur District
2. The Deputy Registrar of Co-operative Societies
Ariyalur Circle
No.213, Second Floor
Collector Office Campus
Ariyalur

+1cc to Mr.L.P.Shanmugasundaram, Advocate in sr.no.45150
+1cc to Mr.R.Jeyaram, Advocate in sr.no.41627
+1cc to Government Pleader in sr.no.42077

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SSI (CO)
NR 22/06/2017