

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.26384 of 2017

A.Rajappa

...Petitioner

Versus

1. The Joint Registrar of Co-operative Societies, Krishnagiri Region, Krishnagiri District.
 2. The Management of S.530, Bodichipalli Primary Agricultural Co-operative Credit Society rep. by its President, Kelamangalam Post, Denkanikottai Taluk, Krishnagiri District.
- ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass appropriate orders on the representation dated 01.09.2017 made by the petitioner to disburse difference salary amount and retirement benefits for the post of Clerk in the 2nd respondent Society within stipulated period as may be fixed by this Court.

For Petitioner : Mr.T.Sundaravadanam
For Respondents : Mr.L.P.Shanmughasundaram,
Special Government Pleader

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to pass appropriate orders on the representation dated 01.09.2017 made by the petitioner to disburse difference salary amount and retirement benefits for the post of Clerk in the 2nd respondent Society within a stipulated time fixed by this Court.

2. According to the petitioner, he was selected as Trainee Sales Assistant at Jakkeri Amudham Village Shop by the Tamil Nadu Civil Supplies Corporation on 06.08.1985. Thereafter, as per the policy decision of the State Government, the TNCSC Ration Shops were handed over to the 2nd respondent Society on 01.10.1987. Subsequently, the petitioner was appointed as

Salesman in the 2nd respondent Society in Jakkeri Ration Shop and paid with a sum of Rs.250/- p.m. He was posted as Clerk in the 2nd respondent Society which is cadre strength vacant post, fixing the monthly salary as Rs.350/- on 11.06.1992. He has worked in the said post for years together. While so, one of the junior most employee, namely, T.Manikandan, who joined the services on 07.03.1991 as Fertilizer Salesman, was given the post of Secretary for a shorter period on 20.04.1987. The petitioner made some objection for the same. As a result of which, he was targeted by the Secretary of the 2nd respondent society and he was deprived of certain benefits and finally, he retired from service on attaining the age of superannuation on 30.06.2016. But the grievance of the petitioner is that his salary was not paid to the post of clerk and retiral benefits are not calculated to the post of clerk. As the petitioner has been working for the past 29 years in the 2nd respondent society, he has filed Computation Petition in C.P.No.616/1995 before the Labour Court, Vellore, for computation of his salary by calculating his services from 01.07.1992 to 31.10.1995. On transfer, the Labour Court, Salem allowed the renumbered C.P.No.269/98 by order dated 27.09.2000. Aggrieved over the same, the Management filed W.P.No.21791/2000 and this Court by order dated 24.03.2010 reversed the order passed by the Labour Court on the premise that it went beyond its jurisdiction. The petitioner did not pursue further in the matter since his son met with an accident along with him on 23.06.2011. Subsequently, he was advised that as he was not properly paid with his salary in the post of Clerk, he has made a representation on 01.09.2017. The said representation has not been considered. Hence the present Writ Petition.

3. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents.

4. It is not known as to how the petitioner can approach this court without there being any pre-existing right, when it is his own case that he was allowed to retire from the 2nd respondent Society as Salesman. Further, till the filing of this writ petition, the petitioner has not produced any documents that he has agitated at this issue at any point of time for payment of clerk salary. Further when the award of the labour court in C.P.No.269/98 dated 27.09.2000 was set aside by this Court in W.P.No.21791/2000 by order dated 24.3.2010. It is also relevant to note that the learned Counsel for the petitioner has submitted that the petitioner has accepted the order passed by this Court and not pursued the matter thereafter. Under such circumstances, this Court is of the view that the present writ petition is a wholly misconceived one.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1. The Joint Registrar of Co-operative Societies, Krishnagiri Region, Krishnagiri District.
 2. The President,, Management of S.530, Bodichipalli Primary Agricultural Co-operative Credit Society, Kelamangalam Post, Denkanikottai Taluk, Krishnagiri District.
- + 1 cc to Mr.T.Sundaravadanam Advocate,SR.73113
+ 1 cc to Mr.L.P.Shanmughasundaram, Advocate,SR.73023
+ 1 cc to The Govt.Pleader, SR.72843

W.P.No.26384 of 2017

SV(CO)
NR 21/11/2017

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