

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 25214 of 2013

S. Murugesan

..Petitioner

Vs.

1.The Registrar of Co-operative Societies
Chennai- 600 010.

2.The Joint Registrar of
Co-operative Societies
Salem Zone Door No.401,
Salem-1.

3.The Director
S.357 Navapatti Primary Agricultural
Co-operative Credit Society
Cauvery Cross, Navapatty Post
Mettur Taluk,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner herein dated 30.07.2012 and dispose the same within a reasonable time and pass such further orders.

For Petitioner : Mr. R. Nalliyappan

For Respondents : Mr. V. Selvaraj,
Addl. Government Pleader for R1 & R2

Mrs. T.P. Savitha
Govt. Advocate for R3

O R D E R

The petitioner has filed the present writ petition, seeking to direct the 2nd respondent to consider his representation dated 30.07.2012 and dispose the same within a reasonable time.

2. Learned counsel for the petitioner would submit that the petitioner was appointed as an Assistant in the 3rd respondent Society on 01.07.1989. After completing 16 years of service, on 25.05.2005 the petitioner resigned his job in the 3rd society and joined in Salem Central District Co-operative Bank, Salem. Later, by letter dated 21.07.2010, stating that his appointment was irregular, directed the petitioner to pay a sum of Rs.2,26,174/- being the salary and other benefits paid to him, during his service in the 3rd respondent Society. Learned counsel for the petitioner submitted that the salary and other benefits were paid to him towards his service to the Society and claiming the same after a period of four years is erroneous. Hence, the petitioner submitted his representation on 30.07.2012 requesting to drop the recovery proceedings. Without passing any orders on his representation, the respondents are taking steps to recover the said amount. Aggrieved by the same, the present writ petition has been filed, to consider his representation dated 30.07.2012.

3. Learned Additional Government Pleader appearing for the respondents submitted that this Court by its order dated 18.09.2013 has granted an order of interim stay of the recovery proceedings initiated against the petitioner, until further orders. If the representation of the petitioner is still pending before the respondents, the same would be disposed of, in accordance with law.

4. Heard learned counsel for the petitioner and learned Additional Government Pleader for the respondents.

5. Taking into consideration the facts and circumstances of the case, the 2nd respondent is directed to consider the representation of the petitioner dated 30.07.2012 on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order, if the representation dated 30.07.2012 is still pending. Further, till the order is passed by the 2nd respondent, recovery proceedings shall not be initiated against the petitioner. The petitioner shall also submit a copy of the representation along with this order copy.

6. The writ petition is disposed of, on the above terms. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Registrar of Co-operative Societies
Chennai- 600 010.

2.The Joint Registrar of
Co-operative Societies
Salem Zone Door No.401,
Salem-1.

3.The Director
S.357 Navapatti Primary Agricultural
Co-operative Credit Society
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Salem District.

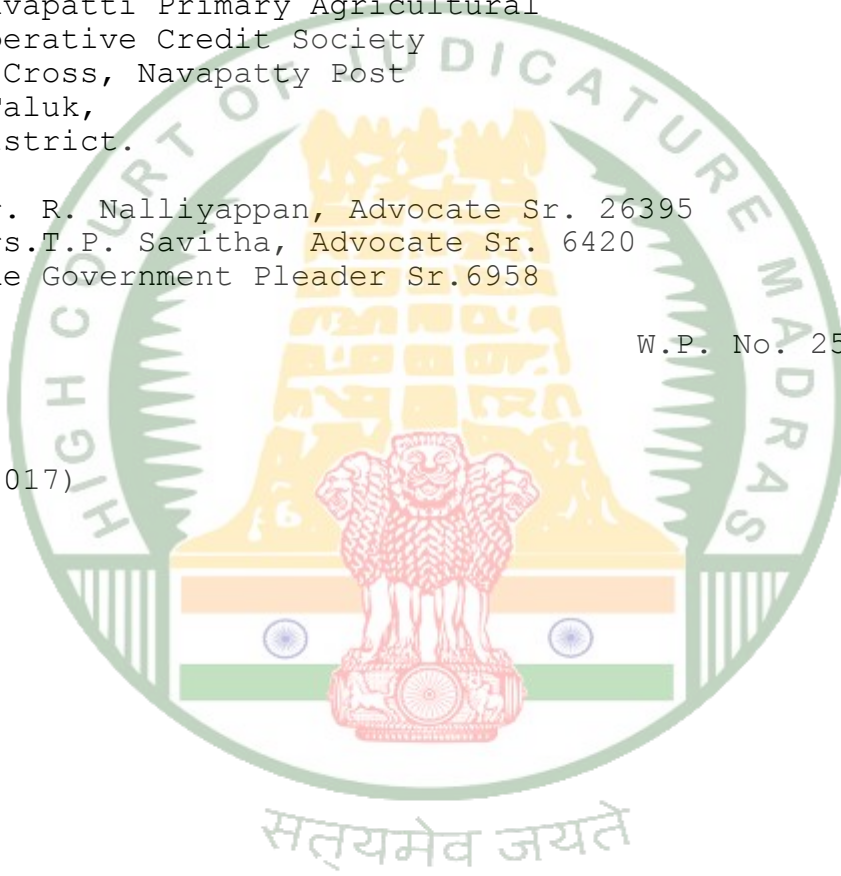
+1cc to Mr. R. Nalliyappan, Advocate Sr. 26395

+1cc to Mrs.T.P. Savitha, Advocate Sr. 6420

+1cc to the Government Pleader Sr.6958

W.P. No. 25214 of 2013

GJII (CO)
VR(28/03/2017)



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