



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.80 of 2016 &

C.M.P.(MD).No.717 of 2017

K.Muthan

...Appellant/Petitioner

Vs.

1.The Joint Registrar of
Co-operative Societies,
Madurai.

2.The President,
Ayyur Primary Co-operative Bank,
Ayyur, Madurai District. ... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order, dated 19.12.2016, made in W.P.(MD).No.24220 of 2016.

Prayer in WP(MD) . 24220/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to allow me to work as salesman in the 2nd respondent society up to the age of 60 years with all benefits.

For Appellant : Mr.R.Rajaraman

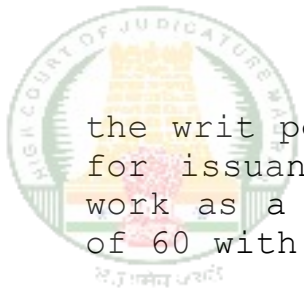
For Respondents : Mr.V.Muruganandam
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**]

Heard Mr.R.Rajaraman, learned counsel for the appellant, Mr.V.Muruganandam, learned Additional Government Pleader for the respondents.

<https://hcservices.courts.gov.in/hcservices/>
2.The Appellant is before this Court being aggrieved by the order passed in W.P.No.24220 of 2016 dated 19.12.2016, by which,



the writ petition filed by him was dismissed. The appellant sought for issuance of a direction to the respondents to allow him to work as a Salesman in the second respondent Society upto the age of 60 with all benefits.

3. The appellant's contention are as follows

The bylaws of the second respondent Society, in which, he is employed provides that the Rules relating to age of retirement is as applicable to Government Servants.

That the scale of pay, which has been fixed for the post occupied by the petitioner viz., Salesman, is equivalent to the post of Peon and Attender, who are governed by the Tamil Nadu Basic Service Rules, which stipulates age of retirement as 60 years.

On the above said two grounds, the appellant claims that he is entitled to continue upto the age of 60 years.

4. The learned Additional Government Pleader, on the other hand, submitted that the Salesman is not a basic servant and the said post has been specifically excluded. The petitioner probably was inspired because of the order passed by this Court in the case of **S. NAGASUBRAMANIAN V. THE JOINT REGISTRAR, CO-OPERATIVE SOCIETIES, MADURAI AND ANOTHER**, in **W.P. (MD). No. 14737 of 2016, etc, batch, dated 30.08.2016**, which pertains to different category of the Co-operative Society. However, the present issue cannot be considered in a writ petition and therefore, the learned Single Judge rightly dismissed the said writ petition. However, we do not wish to foreclose the claim of the appellant permanently. We are inclined to permit him to approach the first respondent by way of revision under Section 153 of Tamil Nadu Cooperative Societies Act, 1983 and it is for the first respondent to take a decision in accordance with law, as and when representation is made to him, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of such representation. Since we granted liberty to the petitioner to submit a representation, the first respondent shall not reject the representation, on the ground of limitation, but decide the same on merits and in accordance with law.

With the above observation, this writ appeal is dismissed. No costs. Consequently, the connected C.M.P is also closed.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR



To

1.The Joint Registrar of
Co-operative Societies,
Madurai.

2.The President,
Ayyur Primary Co-operative Bank,
Ayyur, Madurai District.

+1 CC TO MR.R.RAJARAMAN,ADVOCATE,SR NO.53912

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.54298

Ns

MAS/SV-MMS/SAR4:12.05.2017:3P-5C

W.A. (MD) No.80 of 2017
25.04.2017