



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15805 of 2017

and

W.M.P. (MD) Nos.12491 and 12492 of 2017

A.K.Kuppulal

... Petitioner

Vs.

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

2. The Secretary,
M.M.3255, M.K.Puram Weavers,
Co-operative Stores Limited,
Solaiyalagupuram, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to allow the petitioner to work as packer in the 2nd respondent society up to the age of petitioner's 60 years with all the benefits.

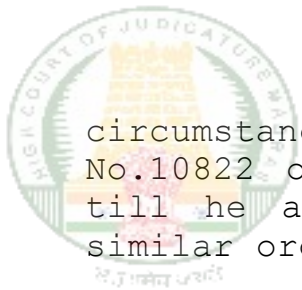
For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.K.Guru
Additional Government Pleader

O R D E R

Mr.K.Guru, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, this writ petition itself is taken up for final disposal.

2.The learned counsel for the petitioner would submit that the petitioner was appointed as Packer on 31.12.2010 in Co-operative Stores Limited, Solaiyalagupuram, Madurai, by the Sub Registrar of Co-operatives / Special Officer, Madurai. Therefore, it is the claim of the petitioner that he is entitled to continue in duty till the age of 60 years which falls on 30.11.2019. In this connection the petitioner has given a representation dated 01.08.2017 for continuation of his service till 30.11.2019. It is further submitted that this Court, on earlier occasion, in similar



circumstances passed an order dated 24.06.2016 in W.P.(MD) No.10822 of 2016 directing the respondents to permit the Packer till he attains the age of 60 years. Therefore, prayed that similar order can also be passed in this writ petition also.

3.The learned Additional Government Pleader appearing for the respondents would submit that till date no order has been passed on the representation of the petitioner, dated 01.08.2017.

4.This Court in similar circumstances entertaining the writ petition filed by the Packer has passed the following order:

2.By placing reliance on an order made in W.P.(MD) No.9150 of 2016 and W.M.P(MD) No.7286 of 2016 dated 04.05.2016, learned counsel for the petitioner has submitted that in similar circumstances, this Court has permitted the petitioner therein to continue in service as Packer till the age of 60 years. The relevant portion of the above said order is given as under.

"2.Learned counsel for the petitioner submits that the petitioner is entitled to continue in service till the age of 60 years, since the category of Packer falls within the category of Tamil Nadu Basic Service and in terms of Fundamental Rule 56 (1) (a), the age of retirement of categories of post in the Tamil nadu Basic Service is 60 years. By referring to By-laws of the respondent society, it is submitted that the age of retirement is, as per the Government Rules.

3.In the light of the above, there will be an order of interim injunction, as prayed for. The petitioner is entitled to continue, as Packer and he shall be paid salary until further orders."

5.In the light of the above order of this Court, this writ petition stands allowed and the respondents are directed to permit the petitioner to continue in service till 60 years by considering the representation of the petitioner and by passing appropriate order within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

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

2. The Secretary,
M.M.3255, M.K.Puram Weavers,
Co-operative Stores Limited,
Solaiyalagupuram, Madurai.

+1cc to Spl.Government Pleader Sr.No.74298

+1cc to Mr.P.Ganapathi Subramanian, Advocate Sr.No.29107

MM/DSK

VB/SV/MMS/SAR1/22/09/2017/3P/5C

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