



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.01.2017
CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.16508 of 2016

R.Karuppasamy

... Petitioner

-vs-

1. The District Collector,
Virudhunagar,
Virudhunagar District.
2. The Joint Registrar of Cooperative Societies,
Virudhunagar Region,
Virudhunagar.
3. The Deputy Registrar of Cooperative Societies,
Srivilliputhur Circle, Srivilliputhur,
Virudhunagar District.
4. SP.SPL.5,
Achanthavilththaan Primary Co-operative Society Bank,
Rep. by its Sub-Registrar/Special Officer,
Achanthavilththaan,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

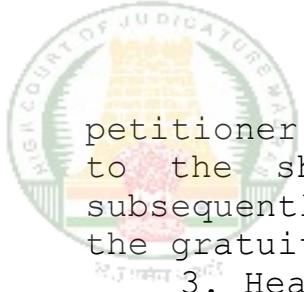
Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 4th respondent to disburse gratuity along with interest to the petitioner under Section 79 of Tamil Nadu Co-operative Societies Act and by considering the representation dated 06.06.2016 given by the petitioner within the time limit fixed by thisCourt.

For Petitioner	: Mr.S.Manikandan
For R1 to R3	: Mr.S.Satish Kumar
	Addl. Govt. Pleader
For R4	: Mr.S.Bharathy

O R D E R

This petition has been filed, seeking to direct the 4th respondent to disburse gratuity along with interest to the petitioner under Section 79 of Tamil Nadu Co-operative Societies Act and by considering the representation dated 06.06.2016 given by the petitioner within the time limit fixed by thisCourt.

2. Learned counsel for the petitioner would submit that the petitioner, pursuant to his ill-health and hospitalization, did not report for duty from 19.02.2003 and therefore, the 4th respondent issued a show cause notice dated 16.05.2003. Since the



petitioner was in the hospital, he was not in a position to reply to the show cause notice and therefore, the petitioner was subsequently removed from service and that even after his removal, the gratuity amount has not been settled to the petitioner.

3. Heard the learned counsel on either side.

4. At first blush, this writ petition is not maintainable before this Court in view of the judgment of this Court in the case of K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another reported in 2006-4-L.W.495, as the petitioner seeks the relief against the Co-operative Society in this case. With regard to the claim of disbursement of his gratuity amount, the remedy open to him is to approach the Controlling Authority under the Payment of Gratuity Act, 1972.

5. In view of the above, this Writ Petition is dismissed. However, this order will not preclude the petitioner in seeking gratuity before the concerned authority, if he is otherwise eligible. No costs.

Sd/
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To:

1. The District Collector,
Virudhunagar,
Virudhunagar District.
2. The Joint Registrar of Cooperative Societies,
Virudhunagar Region,
Virudhunagar.
3. The Deputy Registrar of Cooperative Societies,
Srivilliputhur Circle, Srivilliputhur,
Virudhunagar District.
4. The Sub-Registrar/Special Officer,
SP.SPL.5, Achanthavilththaan Primary Co-operative
Society Bank,
Achanthavilththaan, Srivilliputhur Taluk,
Virudhunagar District.

+1cc to M/s.S.ManiKandan, Advocate, in SR No.105

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AAM PM PN 31.01.2017 2P 6C