

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 34229 of 2017

C. Krishnamoorthy

...Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Kancheepuram Region Kancheepuram District.
2. The Management of G.3414, Kayarambedu,
Town Co-op Credit Society Ltd.,
Rep. by its President,
Kayarambedu Guduvancherry,
Kancheepuram District.
3. The Management of Kancheepuram District,
Consumer Co-operative Wholesale Stores Ltd.,
rep. by its President, 185, Prakasam Salai,
Broadway, Chennai - 600 108. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent to pass appropriate orders on the representation dated 25.10.2017 made by the petitioner for payment of salary dues and other attendant benefits from the second respondent within a stipulated period.

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

O R D E R

Heard Mr. T.Sundaravadanam, the learned counsel appearing for the petitioner and Mr. L.P. Shanmugasundaram, the Special Government Pleader appearing on behalf of the respondents.

2. The grievance of the petitioner, in this Writ Petition is that, while he was working as a salesman with the second respondent, the management, including the

assets and liabilities were transferred to the third respondent, so also, the persons manning the establishment of the second respondent. Therefore, after such transfer, the petitioner should have assigned work with the third respondent and posted in an appropriate place. Unfortunately, the petitioner, owing to his illness, could not join in duty with the third respondent immediately, and in the meanwhile, he got superannuated. But no order with regard to his superannuation having been passed and the terminal benefits having not been released, he made several representations to the respondents, in this regard, the last of which is dated 25.10.2017, but the same evoked no response. Hence, he came to file this Writ Petition seeking disposal of such representation within a stipulated time.

3. The learned counsel appearing for the petitioner would submit that in view of such limited prayer sought for by the petitioner, no useful parties is going to be served seeking a reply affidavit from the respondents and this Court may therefore, dispose of this Writ Petition with necessary direction to the first respondent. However, the learned Special Government Pleader for the respondents submits that the petitioner should file such representation in a proper format before the first respondent, which can be treated as Revision Petition under Section 153 of Tamil Nadu Corporative Societies Act and the same shall be disposed of with an appropriate order.

4. Considering the aforesaid facts and the submissions made, this Court disposes of this Writ Petition in the absence of counter affidavit, which has not been filed inspite of opportunity being given, giving liberty to the petitioner to file a Revision Petition in an appropriate format ventilating his grievance before the first respondent, if so advised, within a period of two weeks from today, and if the same is filed, the first respondent shall take informed and considered decisions on the same as permissible in the eye of law within a period of six weeks from the date of filing of such Petition. Needless to say that considering the fact that the petitioner is stated to have made earlier representations and in the peculiar facts and circumstances, limitation, if any, in filing such Revision Petition shall be considered sympathetically for entertaining such Revision Petition by the first respondent by an appropriate order of condonation of delay. No costs.

mrm/sd

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

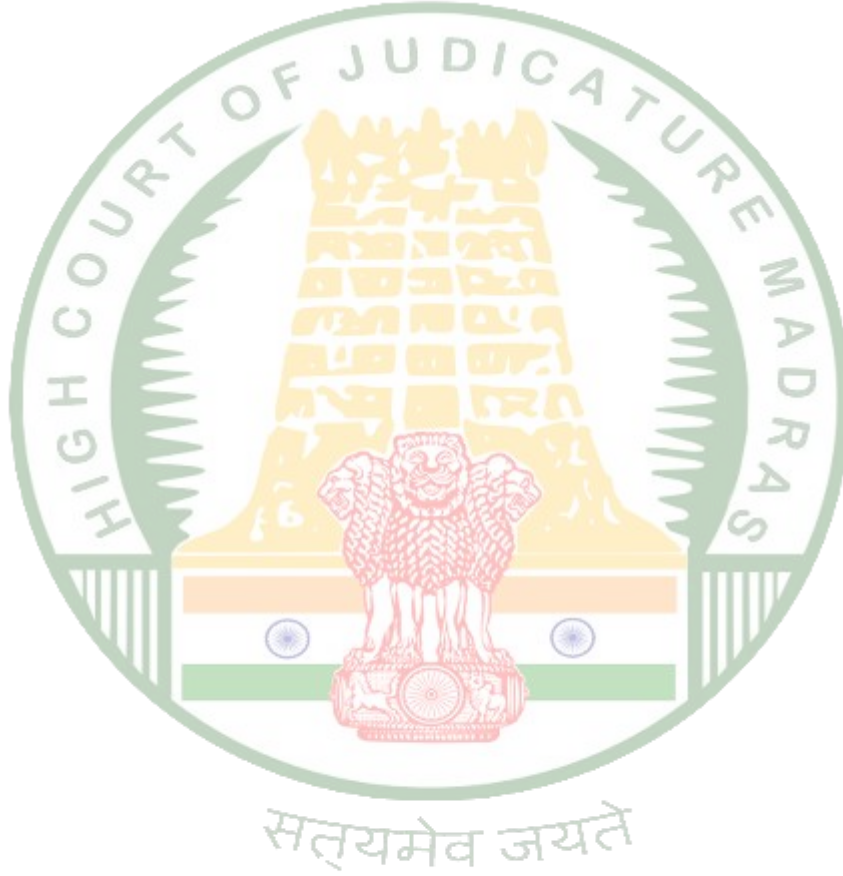
The Joint Registrar of Co-operative Societies,
Kancheepuram Region Kancheepuram District.

+1 CC THE GOVERNMENT PLEADER SR.NO. 54740

+1 CC TO MR.L.P.SHANMUGASUNDARAM Advocate SR.NO. 54948

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ASK(31/08/2018)



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