

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31056 of 2018

K.Balasubramaniam
President

All Profitable Co-operative Housing
Society's Employees Welfare Association,
No.1 Park Road,
Tiruppur - 641 601.

... Petitioner

Vs.

1. The Principal Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 001.

2. The Registrar of Co-operative Housing Societies,
Office of the Registrar of Co-operative
Housing Societies,
Tamil Nadu Co-operative Housing
Federation Ltd., Complex,
II Floor, No.48, Ritherdon Road,
Vepery, Chennai - 600 007.

3. The Deputy Registrar of the Co-operative
Housing Societies,
Coimbatore Region,
Ramasamy Salai,
Chinthamani Valagam, R.S.Puram,
North Coimbatore,
Coimbatore - 641 002.

4. The Management,
The Tiruppur Co-operative Housing
Society Ltd., No.K.1917
Gemini Building, Kumaran Road,
Tiruppur - 641 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents to consider the petitioner's representation dated 21.05.2018 for pension from the 4th

respondent Society.

For Petitioner : Mr.N.Ramesh

For Respondents : Mr.A.N.Thambidurai,
Special Govt. Pleader for R1

Mr.L.P.Shanmuga Sundaram,
Special Govt. Pleader (Co-op)
for R2 to R4.

ORDER

The petitioner is the President of All The Profitable Co-operative Housing Societies Employees' Welfare Association, Tiruppur. The said Co-operative Housing Society is registered under the Tamil Nadu Societies Act, 1975, vide Registration No.07/2018 dated 19.01.2018.

2. According to the petitioner, the employees of the Society were appointed as per the proceedings issued by the Registrar (Housing) and their designation and scale of pay have also been fixed as per the orders passed under Section 181 of Co-operative Societies Act, 1983. By-laws were also framed for the employees based on the Government Orders as well as the order of the Registrar (Housing). Salaries were paid to the employees of the Society as per the proceedings of the Registrar (Housing). As per Rule 26 of the Co-operative Societies Special By-laws, there is a permission to deduct amount towards PF and as per Rule 27, gratuity to be paid at the time of retirement.

3. It is the grievance of the petitioner that there are no guidelines or rules with regard to payment of pension to the retired employees of the Co-operative Housing Society.

4. After rendering several years of service, the employees working under Co-operative Housing Societies should be paid pension is the contention of the petitioner. In this regard, the petitioner made a representation dated 21.05.2018 before the respondents. But, the said representation has not been considered by the respondent. Hence, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that it would be suffice, if the representation of the petitioner dated 21.05.2018 is directed to be considered by the respondents.

5.1. It is also pointed out that the Government itself directed the concerned authorities to decide about the claim made by the petitioner.

6. Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 21.05.2018 on merits and in accordance with law and to pass orders, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

Ogy

To

1. The Principal Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 001.
2. The Registrar of Co-operative Housing Societies,
Office of the Registrar of Co-operative
Housing Societies,
Tamil Nadu Co-operative Housing
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4. The Management,
The Tiruppur Co-operative Housing
Society Ltd., No.K.1917
Gemini Building, Kumaran Road,
Tiruppur - 641 001.

+1cc to Mr.L.P.Shanmugasundram, Advocate SR.No.81538

+1cc to Mr.N.Ramesh, Advocate SR.No.81899

+1cc to Government Pleader SR.No.81761

W.P.No.31056 of 2018

SS (CO)
GMY (07/02/2019)



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