

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:29.10.2018

Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.28249 of 2018

M. Chellapillai

..Petitioner

Vs.

1. The Registrar of Cooperative Societies,
Chennai - 600 010.
2. The Joint Registrar of Cooperative Societies,
Cuddalore - 607 001.
3. The Deputy Registrar of Cooperative Societies,
Virudhachalam, 606 001,
Cuddalore District.
4. The President/Special Officer,
CLSPL No.2, Keelakalpoondi,
Primary Agriculture Cooperative Credit Societies Ltd.,
Keelakalpoondi Post,
Thittagudi Taluk,
Cuddalore District - 606 303.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to consider the claim of the petitioner for delay pay and allowances from 15.11.1999 till date of superannuation, retiral benefits, such as gratuity, provident fund, encashment of earned leave and credit in the light of representation dated 07.02.2018.

For Petitioner : Mr.K.Govindaraj

For Respondents : Mr.L.P.Shanmugasundaram

Special Government Pleader

O R D E R

Heard, Mr.K.Govindaraj, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents. On consent of the learned counsel on either side, this Writ Petition is taken up for disposal at the stage of admission.

2. The case of the petitioner is that, pursuant to an order in a disciplinary proceeding, he was removed and his such order of removal has been set aside by Cooperative Tribunal. Thereafter, the respondents, in all fairness of things, should have allowed the petitioner to retire and released the retiral benefits. But they having failed to so, a representation has been made by the petitioner, in this regard on 07.02.2018. Even though there is no impediment thereafter, to allow the petitioner to retire, inasmuch as, in a criminal charge, he has already been exonerated, the said representation evoked no response. Hence, he has come to this Court seeking disposal of his representation in a time bound manner.

3. The learned counsel appearing for the petitioner submits that though there is no impediment to record the retirement of the petitioner and also release the retiral benefits, the respondents, more particularly, fourth respondent is guilty of inaction in consideration of such representation, and as such, the order, as prayed for may be passed.

4. The learned Special Government Pleader, who accepts notice for the respondents, however, submits that, if such representation of the petitioner is pending, they would consider the same and pass appropriate orders in accordance with law, within the time limit as prescribed by this Court, however, this Court, having not considered the merit of the representation, should not put any fetter on the fourth respondent for disposal of such representation in any particular manner.

5. Regard being had to the aforesaid facts and submissions made, this Court, therefore, dispose of this Writ Petition at the stage of admission without seeking reply affidavit, with a direction to the fourth respondent to take an informed and considered decision on the representation of the petitioner, dated 07.02.2018, in its own merit, taking note of the law in this regard and intimate the decision thereof to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear that this Court has expressed no opinion on the merit of such representation of the petitioner, and as such, there is no fetter on the fourth respondent to take a decision on such representation, in the manner, it deem fit and proper, but, in accordance with law. No costs.

sd

Sd/-

Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

To

1. The Registrar of Cooperative Societies,
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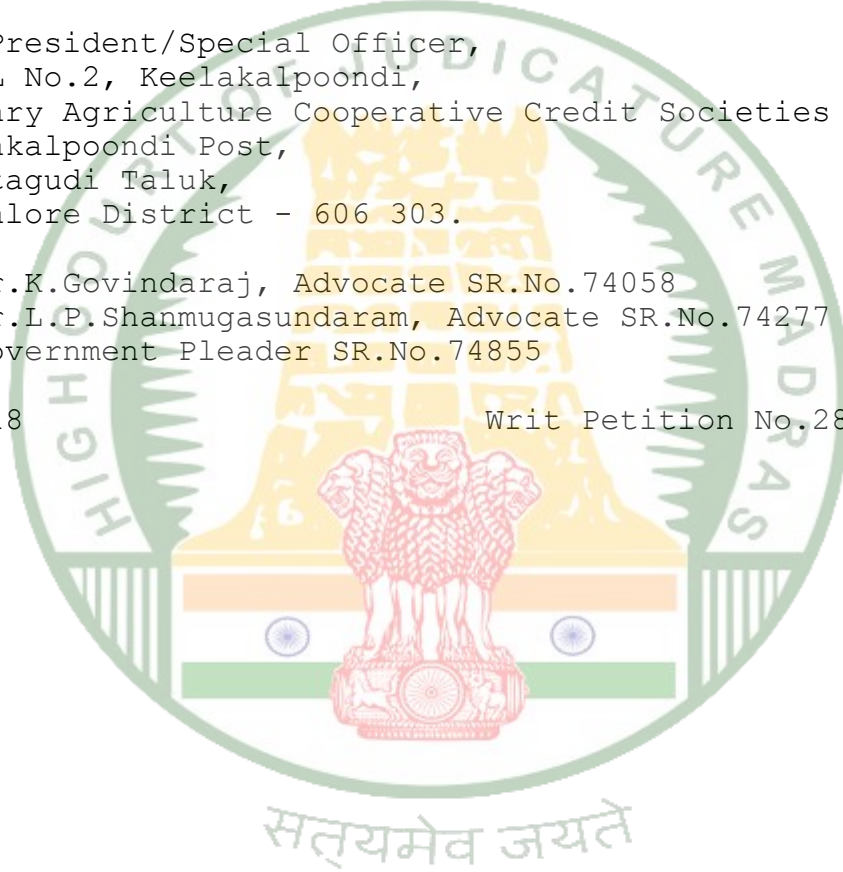
+1cc to Mr.K.Govindaraj, Advocate SR.No.74058

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.74277

+1cc to Government Pleader SR.No.74855

KR/23/11/18

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