

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.27119 of 2018

WMP.No.31525 of 2018

Mr.M.Thayumanaswamy

...Petitioner

Vs

1.The Registrar,
Tamilnadu Cooperative Society Ltd.,
Kilpauk,
Chennai.

2.The Managing Director,
Triplicane Urban Co-operative Society,
Triplicane, Chennai-600 005.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing the respondents to disburse the retirement benefits of Gratuity and Earned Leave Salary together with interest to the petitioner as per Tamil Nadu Co-Operative Societies Act and the alleged shortfall amount paid by the petitioner.

For Petitioner : Mr.Krishnasamy Chinnasamy

For R1 & R2 : Mr.L.P.Shanmugasundaram, Spl G.P.

ORDER

Heard, Mr.Krishnasamy Chinnasamy, learned counsel for the petitioner Mr.L.P.Shanmugasundaram, learned Government Advocate appearing for the respondent.

2. By consent of both the parties, the writ petition is taken up for final disposal.

3.The prayer sought for in this writ petition is for a mandamus, directing the respondents to disburse the retirement benefits of Gratuity and Earned Leave Salary together with interest to the petitioner as per Tamil Nadu Co-Operative Societies Act and the alleged shortfall amount paid by the petitioner.

4.It appears that the petitioner came to be suspended by the Deputy Commissioner of Civil Supplies based on certain irregularities said to have been committed by him and also a Criminal case was also lodged against him. According to the petitioner, though he attained the age of superannuation in the year 2016, he was not allowed to retire but relieved from service on the ground that the criminal case is pending. The grievance of the petitioner is that though he was suspended, he was not granted subsistence allowance as well as the other benefits. Hence, the writ petition.

5.The learned counsel for the petitioner would submit that the petitioner has already submitted a representation dated 21.02.2018 followed by the reminder dated 03.08.2018 to the second respondent, however, no action was forthcoming from the second respondent which prompted the petitioner to approach this Court.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the respondents to consider the the petitioner's representation dated 21.02.2018 followed by the reminder dated 03.08.2018 to the second respondent and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Registrar,
Tamilnadu Cooperative Society Ltd.,
Kilpauk,
Chennai.

WEB COPY

2.The Managing Director,
Triplicane Urban Co-operative Society,
Triplicane, Chennai-600 005.

+2ccs to Mr.Krishnasamy Chinnaasamy, Advocate, S.R.No.71220
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.71711
+1cc to the Government Pleader, S.R.No.72018.

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MR(CO)

rrs 13/11/2018



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