

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.32487 of 2018

Dr.T.E. Thiruvengadam

... Petitioner

/Vs/

- 1.The Principal Secretary,
Public & Rehabilitation Department,
Government of Tamilnadu,
Fort St. George, Chennai-600 009.
- 2.The Managing Director,
Repatriates Co-operative Finance and
Development Bank Ltd., (REPCO Bank),
No.33, North Usman Road,
T.Nagar, Chennai-600 017.

3.R.Varadharajan

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 05.03.2018.

For Petitioner	:	Mr.T.E.Thiruvengadam [Party-In-Person]
For Respondent-1	:	Mr.L.P.Shanmugasundaram [Special Government Pleader] [Co-operatives]
For Respondent-2	:	Mr.OM Prakash [Senior Counsel] For Mr.C.Samivel
For Respondent-3	:	Mr.AR.L.Sundaresan, [Senior Counsel]

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O R D E R

The writ petition has been filed by the petitioner seeking for a direction to the first respondent to consider the petitioner's representation dated 05.03.2018.

2. The grievance of the petitioner is that the first respondent is the Ex-Officio Chairman of the Board of Directors viz., Repatriates Co-operative Finance and Development Bank

Ltd., [Repco Bank] and the petitioner is the General Manager of the above said Bank and he has sent a representation to the first respondent seeking for the following reliefs:

"(i) Being single major stake holder, immediately revamp the Board of Directors of REPCO Home Finance Limited and appoint Public Secretary, Rehabilitation Department, Government of Tamil Nadu as Chairman.

(ii) Ensure regaining 100% equity of REPCO Bank in the Company.

(iii) The subsidiary shall function for the rehabilitation of Repatriates and their Home Loan needs as envisaged in the Multi State Co-operative Societies Act, 2002.

(iv) File complaint with CBI to enquire each and every aspects of Disinterment of Shares of REPCO Bank in REPCO Home Finance Limited, PE firm Carlyle links, IPO, its pricing, Expenditures etc."

3.The petitioner [Party-In-Person] has submitted that the first respondent being the Chairman of the Repco Bank, is only having the powers to rectify the mistakes which occurred in the bank and despite his representation, he has not taken any action on his representation.

4.Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the third respondent submitted that the relief sought for by the petitioner is in respect of Repatriates Co-operative Finance and Development Bank Limited, which is a Public Limited Company, which is nothing to do with the Repco Bank, and the first respondent has no power to consider the petitioner's representation and he cannot be compelled to consider the representation submitted by the petitioner.

5. Mr.OM.Prakash, learned Senior Counsel appearing for the second respondent submitted that the petitioner is an employee of the Repatriates Co-operative Finance and Development Bank Limited. Earlier, he was suspended from service, subsequently, suspension was revoked, and he has filed as many as 10 Writ Petitions seeking various reliefs, the present writ petition is only an abuse of process, and it is lacking bonafides.

6. I have considered the rival submissions and perused the materials available on records carefully.

7. The writ petition has been filed seeking a direction to the first respondent, who is the Principal Secretary of Public and Rehabilitation Department, Government of Tamilnadu, to consider his representation seeking various reliefs as mentioned

above. But, it is submitted that the first respondent has nothing to do with the Repco Bank, and the first respondent has no power to consider the petitioner's representation, whereas, the petitioner is not in a position to establish that the first respondent has a power to deal with his representation and redress his grievance.

8. In the above circumstances, as the first respondent has no power to deal with the petitioner's representation, the relief sought for in this writ petition cannot be granted. Hence, the writ petition is liable to be dismissed. However, if at all the petitioner has any grievance with regard to the Repco Bank, it is always open to him to approach the concerned authorities seeking for redressal of his grievance.

9. Accordingly, this writ petition is dismissed. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

msm/mrp
To

1. The Principal Secretary,
Public & Rehabilitation Department,
Government of Tamilnadu,
Fort St. George, Chennai-600 009.
2. The Managing Director,
Repatriates Co-operative Finance and
Development Bank Ltd.,
(REPCO Bank), No.33, North Usman Road,
T.Nagar, Chennai-600 017.

+1 CC to Govt. Pleader sr 89475.
+1 CC to Mr.C.Samivel, Advocate sr 88825.
+2 Ccs to Mr.T.E.Thiruvengadam, Advocate sr 88778.

W.P.No.32487 of 2018

SP(04/02/2019)