



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

WEB COPY

**THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN**

W.P.(MD)No.19879 of 2018

Saminathan

... Petitioner

**Vs.**

- 1.The President,  
TJ SPL 3, Soorapallam Primary Agricultural  
Cooperative Thrift Society Ltd.,  
Soorapallam Post 614 601,  
Pattukkottai Taluk,  
Tanjore District.
- 2.The Joint Registrar (Cooperatives),  
Tanjore Region,  
Samiyappa Cooperative Training Office,  
Medical College Road,  
Tanjore.
- 3.The Deputy Registrar (Cooperatives),  
Officer of the Deputy Registrar (Cooperatives),  
Jeyam Complex,  
Chinnaiah Street,  
Pattukottai 614 601.
- 4.The Registrar of Societies,  
Office of the Registrar of Societies,  
170, Periar EVR High Road,  
Kilpauk,  
Chennai 10.

... Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records relating to the impugned communication of the first respondent dated 29.05.2017 and quash the same and consequently, directing the first respondent to pay interest at 12% per annum for the belated payment of the amounts due to the petitioner by way of leave salary, provident fund and gratuity from 01.04.2005 till the date of payment of the amounts under the said heads.

<https://hcservices.ecourts.gov.in/hcservices/>  
For Petitioner : Mr.R.Sundar Srinivasan  
For Respondents : Mr.R.Sethuraman, Spl.G.P.

**ORDER**

The petitioner has come forward with the present Writ petition to issue a Writ of Certiorari Mandamus, to quash the impugned communication of the first respondent dated 29.05.2017 and consequently, direct the first respondent to pay interest at the rate of 12% per annum for the belated payment of the amount due to the petitioner in respect of leave salary, provident fund and gratuity from 01.04.2005 till the date of payment.

2.This Court is not inclined to go into the merits of the case, as the maintainability of the Writ petition itself is doubtful, in the light of the larger bench judgment in **(K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal-636 001 and another)** reported in **(2006 (4) CTC 689)**. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

3.However, the dismissal of the writ petition will not prevent the petitioner from availing such remedy, as are open to him in law. If any dispute is raised by the petitioner before the Appellate Authority, it shall be decided in accordance with law.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-II)

**To**

- 1.The President,  
TJ SPL 3, Soorapallam Primary Agricultural  
Cooperative Thrift Society Ltd.,  
Soorapallam Post 614 601,  
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Tanjore District.
- 2.The Joint Registrar (Cooperatives),  
Tanjore Region,  
Samiyappa Cooperative Training Office,  
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- 3.The Deputy Registrar (Cooperatives),  
Officer of the Deputy Registrar (Cooperatives),  
Jeyam Complex,  
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4.The Registrar of Societies,  
Office of the Registrar of Societies,  
170, Periar EVR High Road,  
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Chennai 10.

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+ 1 CC TO Mr.R.SUNDAR SRINIVASAN, ADVOCATE IN SR No. 84984  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 84555

NBJ

TE/SV/SAR-2 : 28/11/2018 : 3P/7C

W.P. (MD) No.19879 of 2018  
17.09.2018