

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20725 of 2019

Mageswari

... Petitioner

-vs-

- 1.The Joint Registrar of Cooperative Societies,
Udakamandalam,
Nilgiri District.
- 2.The Administrator,
The Nilgiri Dt.Plantation Workers' Co.op.
Thrift & Credit Society Ltd., No.J.188,
Raman Nair Building, Rokeby,
Coonoor-643 101.
- 3.The President,
The Nilgiri District Plantation Workers' Co.op.
Thrift & Credit Society Ltd.,
Head Office, Raman Nair Building, Rokeby,
Coonoor-1.
- 4.The Assistant Secretary,
The Nilgiri Dt.Plantation Workers' Co.op.
Thrift & Credit Society Ltd.,
Head Office, Raman Nair Building, Rokeby,
Coonoor-1.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relevant to proceedings of Administrator dated 01.02.2019 passed by the 2nd respondent and quash the order total leave on loss of pay 477 days as illegal, improper, unreasonable, arbitrary against the principle of natural justice and direct the respondents consider the petitioner's representation dated 15.03.2019 and property calculated and granted all the benefits to the petitioner.

For Petitioner : Mr.B.Sundarapandiyan
For Respondents: Mr.D.Venkatachalam
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed, challenging the proceedings of the Administrator / 2nd Respondent dated 01.02.2019, in which, inter alia it was ordered that the arrear emoluments entitled to the Petitioner from the date of restoration as Manager, less period spent on leave on loss of pay will be drawn and disbursed to her.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The grievance of the Petitioner is that the period of suspension from 21.04.2017 to 28.10.2018 was wrongly calculated as 477 days leave on loss of pay and though he had given a representation dated 15.03.2019 to the 2nd respondent for proper calculation, it did not evoke any response so far. Therefore, having left with no other remedy, the Petitioner is before this Court seeking for the above direction.

4. It is represented by the learned Additional Government Pleader that if the Petitioner is aggrieved by the order of the 2nd Respondent, the Petitioner has to exhaust the appeal remedy available under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 by filing application in the prescribed format on payment of necessary fee and without doing so, the petitioner has simply sent a representation to the 2nd respondent and thereafter, straightaway invoked the jurisdiction of this Court under Article 226 of the Constitution of India, which is not permissible in law.

5. Finding force in the contention raised by the Respondents, this Court is not inclined to entertain this petition, for the reason that, any finding rendered in this petition will affect the proceedings that may be initiated by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. Hence, leaving open to the Petitioner to represent the application by paying requisite fee, if already not filed, this Writ Petition is disposed of. It is made clear that if there is any delay in filing the appeal, the Appellate Authority shall also look into the said aspect and decide the same in accordance with law. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To:

1.The Joint Registrar of Cooperative Societies,
Udakamandalam,
Nilgiri District.

+1 CC to Govt. Pleader sr 60236.

+1 CC to Mr.B.Sundarapandiyan, Advocate sr 59545

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PPA (CO)
SP (13/08/2019)



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