

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29408 of 2019

V.Swaminathan

..Petitioner

vs

1.The State of Tamil Nadu
Rep. by Secretary to Government
Co-Operative Department and
Civil Supply Corporation
Fort St. George,
Chennai-600 009.

2.The Registrar of Co-operative Society
No.170, NV Natarajan Maligai
Periyar EVR High Road
Poonamallee High Road
Kilpauk,
Chennai-600 010.

3.The Deputy Registrar of Co-operative Society
O/o.DRO Co-Operative Society
Collectorate Complex,
Thiruvarur.

4.The Joint Registrar of Co-operative Society
O/o.DRO Co-Operative Society
Collectorate Complex,
Thiruvarur.

5.The Secretary/Special Officer
No.ZA-97, Perumpannaiyur Primary
Agriculture Co-operative Credit Society Ltd.,
Semmangudi-612 603.
Kudavasal T.K.,
Thiruvarur D.T.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 5 to pay the arrears of salary with attended monitory benefits for the period 01.10.2004 to 28.02.2010 for the post of Clerk at Z-A 97, Perumpannaiyur

Agriculture Co-Operative Society Limited with interest at the rate of 24% per annum till the date of disbursement of the amount.

For Petitioner : Mr.T.Arulselvan

For Respondents : Mr.D.Venkatachalam
Additional Government Pleader

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents 1 to 5 to pay the arrears of salary with attended monitory benefits for the period 01.10.2004 to 28.02.2010 for the post of Clerk at Z-A, 97, Perumpannaiyur Agriculture Co-Operative Society Limited with interest at the rate of 24% per annum till the date of disbursement of the amount.

2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he was appointed as Sales man at Amutham Grama Angadi under the Tamil Nadu Civil Supply Corporation Limited. Subsequently, he was promoted as a clerk in the year 1990. On 30.09.2014, he retired from service and at that time, he has received a sum of Rs.17,000/- as his last salary. Now he is receiving a sum of Rs.1,674/- per month as pension from the employment provident fund. Though the petitioner worked as a clerk in 5th respondent bank from 01.10.2004 to 28.02.2010 for nearly six years, they have not paid salary and the petitioner has received only advance amount of Rs.600/- and Rs.1,500/-. Therefore, the petitioner has sent several representations to the respondents for payment of salary for the period from 01.10.2004 to 28.02.2010. However, till date the petitioner's representations were not considered by the respondents. Hence, this writ petition.

4. Learned counsel appearing for the petitioner submitted that though the petitioner retired in the year 2014, he has frequently approached the respondents for payment of salary for the period from 01.10.2004 to 28.02.2010.

5. Considering the facts and circumstances of the case along with the materials on record, it reveals that the petitioner was appointed as a salesman at Amutham Grama Angadi under the Tamil Nadu Civil Supply Corporation. Subsequently, the petitioner was

promoted as a clerk in the year 1990 and retired from service in the year 2014. Though the petitioner is claiming salary from 01.10.2004 to 28.02.2010, he has not taken any steps to recover the same prior to his retirement and he has approached this Court after a lapse of five years from his retirement. Further, though the learned counsel for the petitioner submitted that the petitioner has sent representations from the year 2015, no acknowledgment cards were filed. Considering the laches on the part of the petitioner, I am not inclined to grant the relief sought for by the petitioner. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

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Collectorate Complex, Thiruvavarur.

+1cc to Mr.Venkatachalam, Advocate, S.R.No. 86987
+1cc to Mr.Arul Selvam, Advocate, S.R.No. 85915
+1cc to the Government Pleader, S.R.No. 86862

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MG(CO)
GN(02/12/2019)