

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33430 of 2019

S.Nataraj

... Petitioner

Vs.

1.The Principal Secretary to Government
State of Tamil Nadu
Fort St. George, Chennai 600 009

2.The Registrar
Co-operative Societies
N.V.Natarajan Maligai
No.170, E.V.R.Periya High Road
Kilpauk, Chennai-10

3.The Joint Registrar
Co-Operative Societies
Coimbatore Region
K.K.Pudur, Coimbatore 641 038

4.The Deputy Registrar
Co-Operative Societies
Pollachi Circle,
Pollachi 642 001.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave, within a time stipulated by this Court.

For Petitioner : Mr.M.Sudhan

For Respondents : Mr.A.N.Thambi Durai, Spl. G.P.

O R D E R

By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner joined service on 22.04.1987 as Junior Inspector of Co-operative Societies and got promoted as Senior Inspector Co-operative Societies during the year 1991 and he got promoted

as Sub-Registrar of Co-operative Societies and attained superannuation in the above said post on 28.02.2018. On the date of retirement, the Joint Registrar issued an order of suspension without assigning any reason. As on date there are no charges framed in pursuant to the order of temporary suspension. Almost 21 months have been lapsed from the date of suspension. So far no notice, no enquiry was conducted by any of the authorities till date. The petitioner was also not allowed to retire. The terminal benefits including Gratuity, Special Provident Fund, Encashment of Earned Leave are withheld by the authorities, which is total violation of fundamental rights. Therefore, the petitioner sent a written communication dated 22.03.2018 to the respondents 2 to 4, but no reply was received from them. Hence, the present writ petition.

3.The learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the 2 to 4 respondents to consider the representation of the petitioner dated 22.03.2018, within a reasonable time fixed by this Court to disburse service benefits to the petitioner.

4.The learned Special Government Pleader appearing for the respondents would accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the respondents 2 to 4 to consider the representation of petitioner dated 22.03.2018 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above directions, the writ petition stands disposed of. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To.

1.The Principal Secretary to Government
State of Tamil Nadu
Fort St. George, Chennai 600 009.

2.The Registrar,
Co-operative Societies,
N.V.Natarajan Maligai,
No.170, E.V.R.Periya High Road,
Kilpauk, Chennai-10.

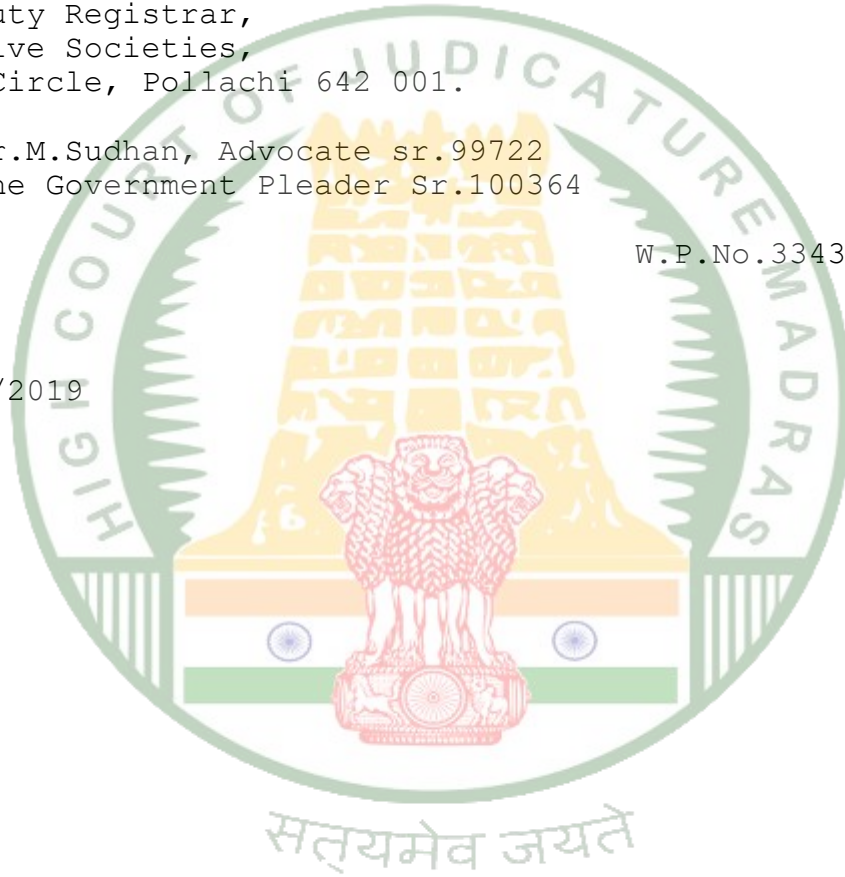
3.The Joint Registrar,
Co-Operative Societies,
Coimbatore Region,
K.K.Pudur, Coimbatore 641 038.

4.The Deputy Registrar,
Co-Operative Societies,
Pollachi Circle, Pollachi 642 001.

+1cc to Mr.M.Sudhan, Advocate sr.99722
+1cc to the Government Pleader Sr.100364

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srg 26/12/2019



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