

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11584 of 2013

S.Sundar raj

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies
Cuddalore Region - I,
Cuddalore District.

2.The Special Officer,
E.2619, Sethiathoppu Primary Agricultural
Co-operative Bank Ltd.,
Sethiathoppu,
Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to reinstate the petitioner as salesman with continuity of service.

For Petitioner : Mr.N.Suresh

For Respondents: Ms.T.Girija

Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents herein to reinstate the petitioner as salesman with continuity of service.

2.The case of the petitioner is that the petitioner was appointed as salesman on 11.08.2000 on daily wages basis in the second respondent cooperative society and was made as permanent staff as per the Industrial Disputes Act, 1947, through the resolution dated 01.04.2001 passed by the committee. Whileso, the petitioner went on leave from 21.10.2003 due to medical problem and since it continued for a long time, he could not continue to work in the second respondent society. However, no proceeding was taken against him.

3.It is the further case of the petitioner that after recovering from the medical problem, he made representation to the first respondent on 03.12.2012 seeking to appoint him as salesman, however, the said representation has not yet been considered. Hence, this writ petition.

4.Though the petitioner has sought for a larger relief, the learned counsel appearing for the petitioner would now submit that it would suffice, if this Court issues direction to the first respondent to dispose of the petitioner's representation dated 03.12.2012, within a reasonable time frame.

5.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner was initially appointed as salesman on daily wages basis in the second respondent cooperative society and was made as permanent staff vide resolution dated 01.04.2001. The petitioner went on leave from 21.10.2003 and dis-continued to work in the second respondent society. While being so, the petitioner ought not to have made representation to the first respondent after a lapse of nine years. Accordingly, she prayed for dismissal of the writ petition.

6.Considering the submissions made on either side and considering the limited request now made by the learned counsel appearing for the petitioner, this Court directs the first respondent to consider the petitioner's representation dated 03.12.2012 and to pass appropriate orders on the same, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, if the same has not yet been considered.

7.The writ petition is accordingly disposed of. No costs.

-s/d-

सत्यमेव जयते
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Joint Registrar of Co-operative Societies
Cuddalore Region - I,
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2. The Special Officer,
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Sethiathoppu,
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RSV(CO)
SP(19/08/2020)



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