

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1529 of 2020

1.R.Selvaraju

2.R.Sugumaran

3.L.Moorthy

4.M.Amanullah Khan

5.A.S.Udayakumar

6.M.Kasimayan

7.D.Rajalakshmanan

8.G.Elumalai

9.M.Murali

10.G.Magimaidass

Petitioners

vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Cooperation, Food and Consumer Protection Department,
Fort St. George, Chennai - 600 009.

2. The Registrar of Cooperative Societies,
No.170, Periyar EVR Road,
Kilpauk, Chennai - 600 010.

3. The Managing Director/Joint Registrar,
The Park Town Cooperative Wholesale Stores Limited,
Chennai - 600 102.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith disburse the benefits payable to the petitioners on their retirement such as Leave Encashment, arrears of salary, arrears of enhanced salary on the basis of Settlement

arrived at under Section 12 (3) of the Industrial Disputes Act etc, with interest from the date on which the pecuniary benefits are due and payable to them till the date of payment, in the light of the proceedings bearing Na.Ka.No.69698/2017/NoKoPa.2 dated Nil.03.2019 submitted by the petitioners within a time frame that may be stipulated by this Court.

For Petitioners: Mr.Chellapandian for
Mr.S.Mani

For Respondents: Mr.L.P.Shanmuga Sundaram
Special Government Pleader
for Respondents

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to disburse the benefits payable to the petitioners on their retirement.

2.The petitioners were appointed in the 3rd respondents Co-operative Stores and their service particulars is tabulated hereunder:

S.No	Name	Date of appointment	Date of retirement	Retired as
1.	R.Selvaraju	23.03.1985	30.06.2015	Salesman
2.	R.Sugumaran	18.02.1985	30.04.2017	Salesman
3.	L.Moorthy	12.10.1984	31.12.2016	Packer
4.	M.Amanullah Khan	05.02.1986	31.05.2019	Salesman
5.	A.S.Udayakumar	01.06.1985	31.07.2017	Salesman
6.	M.Kasimayan	18.11.1985	31.07.2019	Salesman
7.	D.Raja Lakshmanan	14.09.1984	30.06.2019	Jr. Asst
8.	G.Elumalai	20.09.1975	31.03.2011	Driver
9.	M.Murali	20.04.1985	31.08.2018	Driver
10.	G.Magimaidass	1985	30.06.2016	Driver

3.The case of the petitioners is that their service is governed by the Bye-laws of the Co-operative Stores and as per the bye laws, they have not been paid and they have only been sanctioned meagre amount as pension. The petitioners claim for certain retirement benefits such as leave encashment, enhanced salary etc., based on 12(3) settlement. The petitioners made a representation and the 2nd respondent by his proceedings in

Na.Ka.No.69698/2017/NoKoPa.2 Dated --.03.2018 directed the 3rd respondent to take appropriate steps and to pass orders and intimate the same to the petitioners. The petitioners also made a representation in this regard to the 3rd respondent on 12.12.2019. Since, it did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate direction.

4.Heard Mr.Chellapandian, learned counsel appearing on behalf of the petitioners and Mr.L.P.Shanmugasundaram, learned Counsel appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 3rd respondent to pass necessary orders based on the claim made by the petitioners after considering the representation made by the petitioners individually and jointly on 12.12.2019, within a period of six weeks from the date of receipt of copy of this order. The petitioners are directed to make a fresh representation to the 3rd respondent along with a copy of the earlier representations and a copy of this order.

6.This writ petition is disposed of with the above directions. No Costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ssr

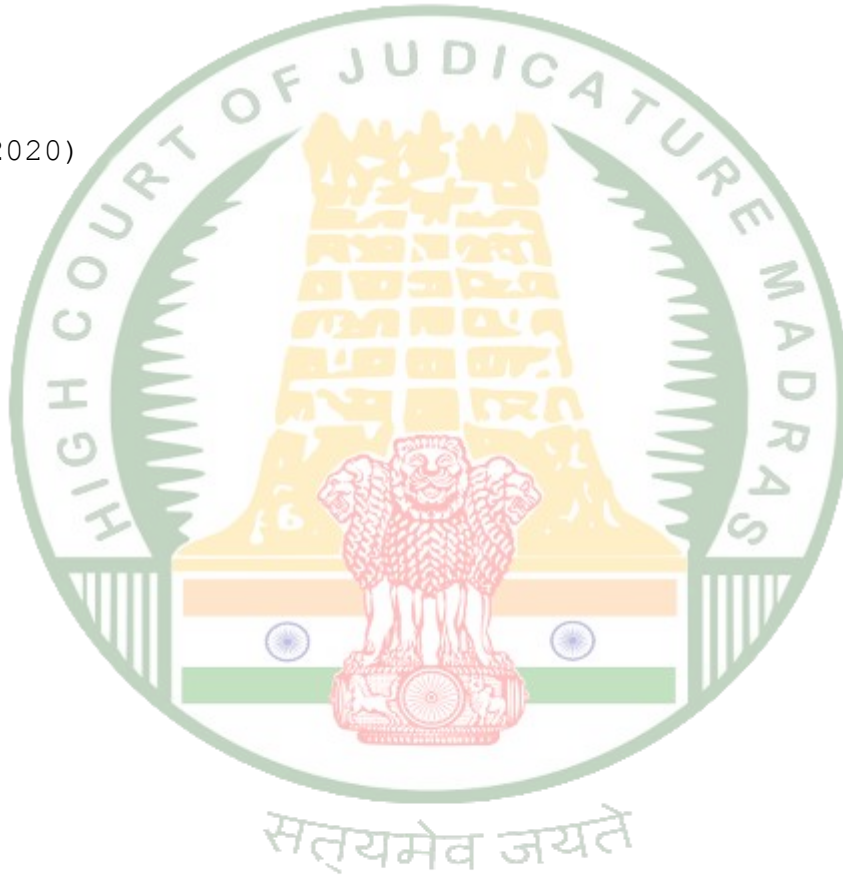
To

1. The Secretary,
Cooperation, Food and Consumer Protection Department,
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2. The Registrar of Cooperative Societies,
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Kilpauk, Chennai - 600 010.
3. The Managing Director/Joint Registrar,
The Park Town Cooperative Wholesale Stores Limited,
Chennai - 600 102.

+1 CC to Mr.S.Mani, Advocate sr 5097.
+1 CC to Mr.L.P.Shanmuga Sundaram, Advocate sr 5606.
+1 CC to Govt. Pleader sr 5708.

W.P No.1529 of 2020

RK (CO)
SP (25/02/2020)



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