

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.5086 of 2020
and W.M.P No.6003 of 2020

1.A.Boopathy
2.G.Kandasamy
3.S.Dhanalakshmi
4.R.Manivelan
5.V.K.Sureshkumar
6.K.Krishnan
7.E.Mohammed Ghouse
8.Balasubramaniyan

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 E.V.R. 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 pensionary benefits are due and payable to them till the date of payment by considering the representation dated 22.01.2020 of the petitioners 1 to 3 and the representation dated 12.02.2010 submitted by the petitioners to the 3rd respondent within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.Mani

For Respondents: Mr.L.P.Shanmuga Sundaram

Special Government Pleader

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:

SNo	Name	Date of appointment	Date of retirement	Retired as
1.	A.Boopathy	22.11.1984	30.09.2015	Salesman
2.	G.Kandasamy	22.11.1984	30.04.2016	Binder
3.	Mrs.S.Dhanalakshmi	26.12.1984	31.11.2014	Saleswoman
4.	R.Manivelan	12.10.1984	30.04.2013	Salesman
5.	V.K.Sureshkumar	05.05.1986	30.04.2017	Salesman
6.	K.Krishnan	27.04.1985	30.04.2017	Salesman
7.	E.Mohammed Ghouse	15.06.1984	31.05.2015	Salesman
8.	Balasubramaniyan	01.03.1984	31.07.2015	Delivery Staff

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, arrears of salary, arrears of enhanced salary etc., based on 12(3) settlement. The petitioners also made a representation in this regard to the respondents on 12.02.2020. Since, it did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate direction.

4.Heard Mr.S.Mani, 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 respondents to pass necessary orders based on the claim made by the petitioners after considering the representation made by the petitioners jointly on 12.02.2020, 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 respondents 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. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar (MD)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Secretary,
Cooperation, Food and Consumer Protection Department,
Fort St. George, Chennai - 600 009.
2. The Registrar of Cooperative Societies,
No.170, Periyar E.V.R. Road,
Kilpauk, Chennai - 600 010.
3. The Managing Director/Joint Registrar,
The Park Town Cooperative Wholesale Stores Limited,
Chennai - 600 102.

+2ccs to Mr.S.Mani, Advocate, S.R.No.17625.

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PA (CO)

VSI-2 (29.05.2020)

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