



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.1188 of 2020

A.Veerachamy

... Petitioner

vs.

1.The Registrar of Co-operative Societies,
170, EVR Periyar Highway,
Keelpauk, Chennai-10.

2.The Joint Registrar of Co-operative Societies,
Theni Region, Theni.

3.The Deputy Registrar of Co-operative Societies,
Periyakulam Circle,
Theni District.

4.The Co-operative Sub Registrar/Liquidation Officer,
A.1721 Theni Co-operative Credit Society Bank (Liquidated),
12A, Upstairs, Power House Road,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to consider the representation of the petitioner dated 10.12.2018 in accordance with law and thereby disburse the terminal benefits like the provident fund, Gratuity, Earned leave salary and other monetary benefits payable to the petitioner along with interest within the time stipulated by this Court.

For Petitioner	:	Mr.D.Sadiq Raja
For Respondents	:	Mr.V.Anand, Government Advocate

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner dated 10.12.2018 in accordance with law and thereby disburse the terminal benefits like the provident fund, Gratuity, Earned leave salary and other monetary benefits payable to the petitioner along with interest.



2.Mr.V.Anand, learned Government Advocate takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that he was appointed as Office Boy on 02.08.1962 temporarily in the 4th respondent society and he was appointed as permanent Office Boy in the year 1975. Subsequently, he was promoted as Peon on 01.04.1978. Thereafter, he was promoted as Attendar II on 06.05.1980 and he rendered 40 years of successful service. Under the said circumstances, the 4th respondent society, vide proceedings, dated 05.07.2002 suspended him from service alleging false allegations. After suspension, he was not paid with the subsistence allowance. The 4th respondent society was liquidated vide proceedings of the 2nd respondent dated 24.12.2002, due to certain reasons. Subsequently, the 4th respondent, vide proceedings, dated 17.01.2003 issued stop work notice and informed that further proceedings against the suspended employees are dropped. The respondents have provided alternate work to the other employees. But, they have not provided alternate work to the petitioner and they have also not disbursed the terminal benefits. In the criminal case registered against the petitioner and others in C.C.No.4 of 2007 on the file of the Judicial Magistrate Court No.III, Madurai, he was acquitted from the entire charges vide Judgment dated 29.06.2018.

4.The grievance of the petitioner is that since the criminal case registered against him is ended in his favour, the respondents cannot withhold his terminal benefits. Therefore, he made a representation to the respondent on 10.12.2018 seeking to disburse the terminal benefits and the same has not been considered till date.

5.Even though the learned counsel for the petitioner raised several grounds in the Writ petition, he submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner, dated 10.12.2018, within a time frame, for which, the learned Government Advocate appearing for the respondents, has no serious objection.

6.Considering the limited scope of the relief sought for, this Court, without advertng to the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner dated 10.12.2018, and pass appropriate orders on its own merit and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 10.12.2018, to the respondents.



7. With the above directions, this Writ petition is disposed of.
No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (AD-I)

/ /2020

Sub Assistant Registrar(CS)

smn

To

1. The Registrar of Co-operative Societies,
170, EVR Periyar Highway,
Keelpauk, Chennai-10.
2. The Joint Registrar of Co-operative Societies,
Theni Region, Theni.
3. The Deputy Registrar of Co-operative Societies,
Periyakulam Circle,
Theni District.
4. The Co-operative Sub Registrar/Liquidation Officer,
A.1721 Theni Co-operative Credit Society Bank (Liquidated),
12A, Upstairs, Power House Road,
Theni.

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-2453[F] dated 22/01/2020)

+1 CC to SPL.GP (SR-2583[F] dated 23/01/2020)

**ORDER MADE IN
W.P. (MD) No.1188 of 2020
22.01.2020**

VB(14.02.2020) 3P 7C