

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.32537 of 2014

M.Mani

... Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Kanchipuram Central Co-operative Bank Limited,
No.15, G.Sheikpet North Street,
Kanchipuram 631 501.

2. The Special Officer,
Kancheepuram Central Co-operation Bank Limited,
Kancheepuram.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to pay the sum of Rs.82,712/- arrears of salary along with interest on the basis of the representation dated 08.09.2014 within a stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.M.Ram Doss

For R1 : Mr.T.Giriya, AGP

For R2 : Mr.L.P.Shanmugasundaram, Spl.GP

ORDER

This writ petition has been filed by the petitioner for a direction to the second respondent to pay a sum of Rs.82,712/- towards arrears of salary along with interest, on the basis of the representation dated 08.09.2014.

2.According to the petitioner, he was suspended from service, while working as Secretary of Vembudu Agricultural Co-operative Society, 31.08.1977, alleging that he did not join the transferred place and he misappropriated a sum of Rs.23,488/-. Subsequently, enquiry was conducted, based on which, the second respondent set aside the order of suspension

and reinstated him in service. It is the further case of the petitioner that again he was suspended from service on 15.04.1982, for the alleged misappropriation of money. Subsequently, enquiry was conducted and enquiry report was filed holding the charges as proved, based on which, a show cause notice dated 30.06.1983 was issued, to which, the petitioner submitted his explanation. Being not satisfied with the same, the second respondent by order dated 12.09.1985, terminated the petitioner from service with effect from 19.04.1982, which was challenged before the Deputy Commissioner of Labour (Appeals), Chennai, who after contest, set aside the order of termination passed by the second respondent. The said order was questioned by the second respondent by filing writ petition and thereafter, writ appeal, which ended in dismissal. Thereafter, the petitioner was reinstated in service, however, no backwages was given from 1982 to 1999. Thereafter, he entered into a settlement under Section 18(1) of the Industrial Disputes Act, 1947 on 04.05.2001. In the mean while, by order dated 30.11.1981, the petitioner was exonerated from the surcharge proceedings initiated against him. Pursuant to the same, he made representations dated 16.02.2013, 05.04.2013, 16.08.2014 and 08.09.2014 to pay a sum of Rs.82,712/- which was deducted based on the surcharge order dated 31.10.1981. However, none of the representations did not yield any fruitful result. Hence, this writ petition.

3. Heard both sides and perused the materials placed before this Court.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the second respondent, to consider the petitioner's representation dated 08.09.2014 and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

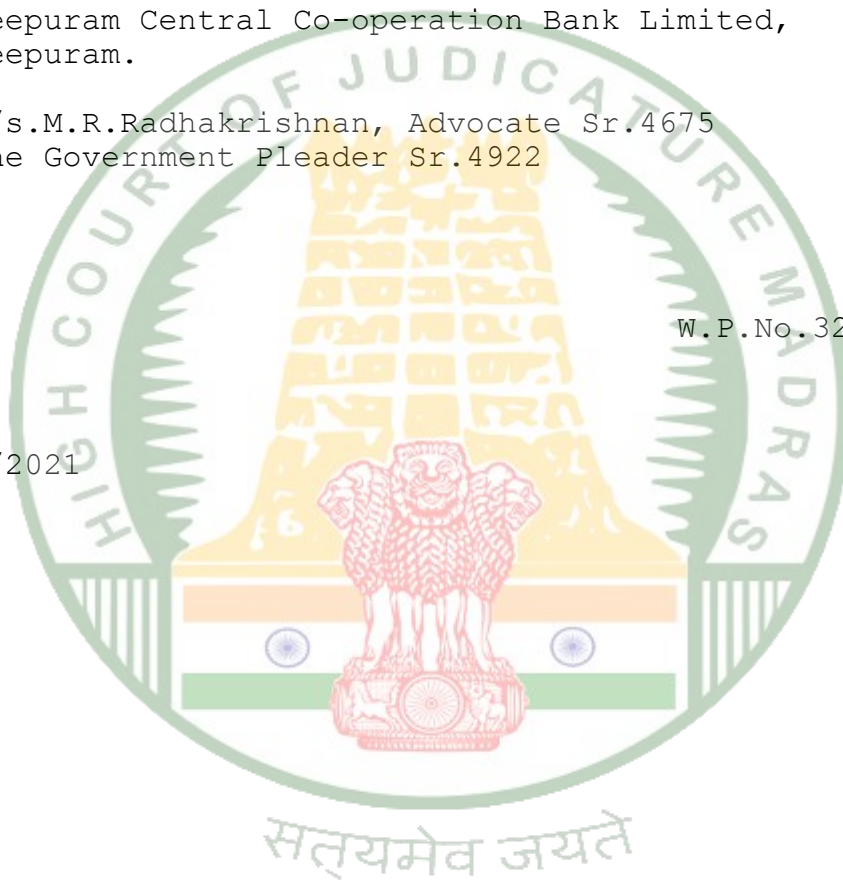
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2. The Special Officer,
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Kancheepuram.

+1cc to M/s.M.R.Radhakrishnan, Advocate Sr.4675

+1cc to the Government Pleader Sr.4922

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vsn II[co]
srg 01/03/2021



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