



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

W.P(MD)No.1237 of 2020

L.Muthusamy

... Petitioner

vs.

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

2.The President,
Q.1210, Mallal Primary Agricultural Co-operative
and Credit Society Limited, Mallal,
Thiruthiragosamangai Via,
Ramanathapuram District.

... Respondents

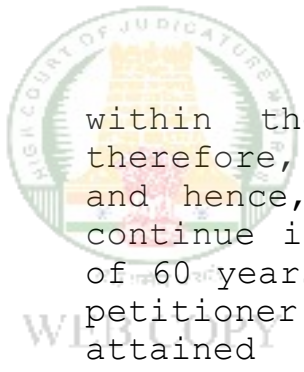
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to continue the petitioner to work as Office Assistant under the second respondent upto the age of 60 years based on his representation, dated 13.11.2019.

For Petitioner	: Mr.C.Gangai Amaran
For Respondents	: Mr.P.Subbaraj
	Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to continue the petitioner to work as Office Assistant under the second respondent upto the age of 60 years, based on his representation, dated 13.11.2019.

2.According to the petitioner, he was appointed as a Salesman in the Fair Price Shop under the second respondent Society through the Employment Exchange and he has rendered 22 years of service. While so, a vacancy for the post of Office Assistant in the second respondent Society arose during the year 2014 and he was appointed as Office Assistant on 28.02.2014, as per the resolution passed by the second respondent on 01.03.2014. Since the petitioner has completed 58 years of service on 30.09.2019, the second respondent relieved him from duties. The post of the Office Assistant comes



within the purview of Tamil Nadu Basic Service Rules and therefore, the retirement age of the Office Assistant is 60 years and hence, the second respondent ought to have allowed him to continue in the post of Office Assistant till he attains the age of 60 years. But, without advertting to the abovesaid position, the petitioner was relieved on 30.09.2019 on the ground that he attained the age of 58 years. The petitioner sent a representation, dated 13.11.2019, to the respondents seeking to continue his service in the post of Office Assistant upto the age of 60 years under the second respondent Office. So far, no orders have been passed. Hence, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. From the materials available on record, it is seen that the second respondent, by proceedings, dated 30.09.2019, approved the retirement of the petitioner on 30.09.2019 F.N and the petitioner was also relieved. The petitioner has come out with the present Writ Petition seeking relief to continue him to work as Office Assistant under the second respondent Society till he attains the age of 60 years ie., on 30.09.2021. The petitioner has impleaded the Joint Registrar of Co-operative Societies as the first respondent and the prayer sought for by the petitioner is only against the second respondent Co-operative Society. The petitioner has not challenged the proceedings of the second respondent, dated 30.09.2019, approving the petitioner's retirement with effect from 30.09.2019 F.N. from the second respondent Society.

5. In view of the same, the petitioner is not entitled to the relief sought for in the Writ Petition and the only remedy available to the petitioner is to file an appeal under Section 153 of the Tamil Nadu Co-operative Societies Act. Under such circumstances, this Writ Petition is dismissed. No costs.

Sd/-

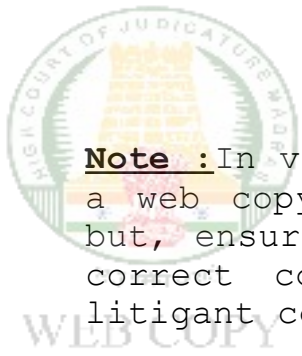
Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar (CS)

ps



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Joint Registrar of Co-operative Societies,
Ramanathapuram Region,
Ramanathapuram,
Ramanathapuram District.
- 2.The President,
Q.1210, Mallal Primary Agricultural Co-operative
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Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-20320[F] dated 25/06/2021)

**W.P (MD) No.1237 of 2020
24.06.2021**

AS (05.07.2021) 3P 4C