



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

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THE HON'BLE DR. JUSTICE ANITA SUMANTH

W.P. (MD) No.7243 of 2018

C.Marcus

... Petitioner

Vs.

1.The Joint Registrar of Co-Operative Societies,
Opp. to Government Ladies College,
Sivagangai.

2.The Deputy Registrar of Co-operative Societies,
5th Street, Subramaniyapuram,
Karaikudi, Sivagangai District.

3.The President, Q.633, Nerkuppai Primary Agricultural
Co-Operative Credit Society Ltd.,
Nerkuppai,
Thiruppathur Taluk,
Sivagangai District-630 405

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to instruct the third respondent to allow the petitioner into the service of the Q.633, Nerkuppai Primary Agricultural Co-Operative Credit Society Ltd., Nerkuppai to work as the Secretary, allow him to sign in the regular Attendance Register, and to pay Rs.10,57,008/- salary due to the petitioner from July 2015 to March 2018.

For Petitioner

: Mr.K.Seenivasagam
for Mr.M.Ganesan

For Respondents

: Mr.A.K.Manickam, SGP

ORDER

Heard Mr.K.Seenivasagam for Mr.M.Ganesan, learned counsel for the petitioner and Mr.A.K.Manickam, learned Special Government Pleader appearing for the respondents.



2. The petitioner has sought a Mandamus, directing respondents 1 & 2 to instruct the third respondent being the President of Q.633, Nerkuppai Primary Agricultural Co-Operative Credit Society Ltd., Nerkuppai, to allow the petitioner to work in the aforesaid Society as the Secretary and to pay over the arrears of salary due to him for the period July 2015 to March 2018.

3. The petitioner, who was in the service of third respondent Society suffered an order of suspension on 12.10.2015, challenged by him in WP(MD) No.19219 of 2015. That Writ Petition came to be closed on 30.07.2019, recording the position that the petitioner had already been reinstated in service on 07.11.2018 and thus, the Writ Petition has been rendered infructuous. The fact thus is that the petitioner is working in third respondent Society, and therefore, the first limb of the prayer has stands achieved.

4. As regards the request for payment of arrears of salary, the petitioner has filed representations before the respondents seeking the same relief. It would thus be appropriate and would suffice that a direction be issued to the third respondent Society to dispose the representations of the petitioner after hearing him, and by way of a speaking order.

5. In this connection, it is also relevant to refer to the counter affidavit filed on behalf of the first and second respondents i.e., the Joint Registrar of Co-operative Societies and Deputy Registrar of Co-operative Societies, wherein, they refer to two criminal cases registered in CC Nos.1 to 4 of 2008 and 53 of 2008 pending on the file of Judicial Magistrate II, Sivagangai as against the petitioner.

6. Mr. A.K. Manickam, learned Special Government Pleader appearing for the respondents states that the aforesaid criminal cases are still pending. In paragraph 12 of the counter affidavit, respondents 1 & 2 also refer to an undertaking given by the petitioner to the President of the Society on 04.10.2018 that considering the financial crunch faced by R3 Society, the petitioner foregoes his salary from 01.07.2015 onwards, in lieu of reinstatement of his service.

7. Since I am, in a Writ Petition neither inclined, nor equipped to ascertain the veracity of facts, these issues may be looked into by R3 in disposing the petitioner's representation as ordered above.



8. With the above observations, this Writ Petition is closed.
No costs.

Sd/-

Assistant Registrar (CS II)

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Sub Assistant Registrar (CS)

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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,
Opp. to Government Ladies College,
Sivagangai.

2. The Deputy Registrar of Co-operative Societies,
5th Street, Subramaniamapuram,
Karaikudi, Sivagangai District.

3. The President, Q.633, Nerkuppai Primary Agricultural
Co-Operative Credit Society Ltd.,
Nerkuppai,
Thiruppathur Taluk,
Sivagangai District-630 405.

+1 CC to M/s.SPL GP (SR-36022[F] dated 26/11/2021)

W.P. (MD) No.7243 of 2018
25.11.2021

ARK(CO)
SB(07.01.2022) 3P 5C