



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.14007 of 2016

and

W.M.P. (MD)No.10402 of 2016

WEB COPY

M.Gunaseelan

... Petitioner

versus

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

2. The Deputy Registrar,
Public Distribution System,
Office of the Joint Registrar,
Virudhunagar District.

3. The President,
R-2, Puliampatti Co-operative Stores
Aruppukottai - 626 101,
Virudhunagar District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to allow the petitioner to work as 'Salesman' in the 3rd respondent Society as per the approved Special bye-law No.12 read with Fundamental Rule 56(1)(a) r/w. Rule 149(3) of the Tamil Nadu Co-operative Societies Rules 1988, till the age of completing 60 years with all attendant and monetary and service benefits.

For Petitioner : Mr.V.R.Venkatesan

For Respondents: Mr.K.P.Narayana Kumar,
Special Government Pleader for R1 and R2
No appearance for R3

ORDER

The petitioner filed this writ petition, seeking a direction to the respondents to allow him to work as 'Salesman' in the 3rd respondent Society as per the approved Special bye-law No.12 read with Fundamental Rule 56(1)(a) r/w. Rule 149(3) of the Tamil Nadu Co-operative Societies Rules 1988, till the age of 60 years with all attendant and monetary and service benefits.

2. The learned counsel appearing for the petitioner submitted that the petitioner entered into service as Packer in the 3rd respondent Society and he was given temporary promotion as Salesman. However, the said post of Salesman was not approved by



the authorities. Therefore, he prayed for allowing the writ petitioner to work as 'Salesman' in the 3rd respondent Society till the age of completing 60 years with all attendant and monetary and service benefits.

3. Heard the learned Special Government Pleader appearing for the respondents 1 and 2.

4. As per the Basic Service Rules, a person, who is working as Packer, is eligible to continue in his service as Packer till the age of 60 years. But, in the present case, the petitioner originally entered into the service as Packer in the 3rd respondent Society and he was given temporary promotion as Salesman. Now, the prayer sought for in the present writ petition is to allow the petitioner to work as 'Salesman' in the 3rd respondent Society till the age of 60 years with all attendant and monetary and service benefits. Insofar as the Salesman is concerned, there is no provision of allowing the workman till the age of 60 years. Admittedly, the petitioner is working as Salesman and in the absence of such provision, the petitioner cannot make such claim. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ogy

To

1. The Joint Registrar of Co-operative Societies,
Virudhunagar District, Virudhunagar.
2. The Deputy Registrar,
Public Distribution System,
Office of the Joint Registrar,
Virudhunagar District.
3. The President,
R-2, Puliampatti Co-operative Stores
Aruppukottai - 626 101,
Virudhunagar District.

W.P. (MD)No.14007 of 2016
01.04.2021

SRK(CO)

TR(24.04.2021) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>