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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.5607 OF 2022

A.Ramasamy

... Petitioner

.Vs.

1. The Joint Registrar of Co-op. Societies,
Kancheepuram Region,
Kancheepuram District.
2. The Management of G.3414,
Kayarambedu Primary Agricultural
Co-op. Credit Society Ltd.,
Rep. by its President,
Kayarambedu, Guduvancherry,
Kancheepuram District.
3. The Management of Kancheepuram District,
Consumer Co-op. Wholesale Sales Ltd.,
Rep. by its president,
185, Prakasam Salai,
Broadway,
Chennai - 600 108.

... Respondents

PRAYER:-

Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representations dated 20.12.2021 and 14.02.2022 made by the petitioner herein to pay the monthly salary to the petitioner for the period of past seven months from August 2021 to February 2022 on par with other employees of the 2nd respondent herein and pass appropriate orders within a stipulated time period fixed by this Court.

For Petitioner : Mr.T.Sundaravadanam

For R1 : M/s.S.Anitha
Special Government Pleader



ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner in brief:

The petitioner was appointed as Salesman in the 2nd respondent society and while he was working in Kattangolathur Ration Shop No.2 during the year 2010, due to bogus sales of stock, he was suspended from the service on 12.10.2015. Thereafter, an order of dismissal dated 18.08.2016 was issued by the 2nd respondent. Till date subsistence allowance was not paid to the petitioner and he has paid an amount of Rs.2,17,850/- to the 2nd respondent and having received the amount, the petitioner has been penalized with dismissal order without giving an opportunity in the domestic enquiry. Therefore, challenging the aforesaid dismissal order, the petitioner filed an application before the DCL, Teynampet, Chennai-18, to set aside the dismissal order which was dismissed on 18.08.2016 and as against the said order, he has filed W.P.No.26174 of 2017 and the same was allowed on 29.06.2021, directing the 2nd respondent to issue a show cause notice and pass appropriate order. Subsequently, the 2nd respondent issued a show cause notice and passed orders by reinstating the petitioner in the 2nd respondent bank and allocated work in PDS shop. But, the respondents have not paid salary to the petitioner from 12.08.2021 onwards. Therefore, he made representations to the 1st and 2nd respondents on 20.12.2021 and 14.02.2022 to pay the monthly salary to the petitioner for the period from August 2021 to February 2022. However, the petitioner's representation was not considered by the respondents till date. Hence, this writ petition.

3. The learned Special Government Pleader appearing for the 1st respondent submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

4. In view of the aforesaid submissions and also considering the limited scope of the prayer, without expressing any opinion on merits, this Court is inclined to direct the 1st and 2nd respondents to consider the petitioner's representation dated 20.12.2021 on its own merits and in accordance with law, as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ata/uma

To

1. The Joint Registrar of Co-op. Societies,
Kancheepuram Region,
Kancheepuram District.
2. The President,
Kayarambedu Primary Agricultural
Co-op. Credit Society Ltd.,
Guduvancherry,
Kancheepuram District.
3. The President,
Consumer Co-op. Wholesale Sales Ltd.,
185, Prakasam Salai,
Broadway,
Chennai - 600 108.

+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.17178
+1cc to the Special Government Pleader, S.R.No.17178

W.P.NO.5607 OF 2022

SKM(CO)
PBS/28/03/2022