



WEB COPY



WP No.313 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-07-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.313 of 2015
And
MP Nos.1 and 2 of 2015**

M.Subramanian

..

Petitioner

vs.

1.The Joint Registrar of Cooperative Societies,
Villupuram Region,
Villupuram.

2.The Deputy Registrar of Cooperative Societies,
Tindivanam,
Villupuram District.

3.The President,
Tindivanam Primary Cooperative Agriculture
and Rural Development Bank Ltd.,
No.E.1390,
Tindivanam,
Villupuram District.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorarified Mandamus, calling for



WP No.313 of 2015

the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.5866/2012/Sa.Pa., dated 13.10.2014 and quash the same and consequently directing the respondents to treat the Earned Leave 180 days on the credit of the petitioner's account.

For Petitioner : Mr.C.Prakasam
For Respondents-1 and 2 : Ms.S.Anitha,
Special Government Pleader.
For Respondent-3 : Mr.L.P.Shanmugasundaram.

O R D E R

The relief sought for in the present writ petition is to quash the order dated 13.10.2014 passed by the first respondent-Joint Registrar of Cooperative Societies. The first respondent-Joint Registrar of Cooperative Societies passed an order under Section 153 of the Tamil Nadu Cooperative Societies Act.

2. The petitioner was an employee working in the cadre of Supervisor in the third respondent-Tindivanam Primary Cooperative Agriculture and Rural Development Bank. The petitioner states that the first respondent by an order dated 14.10.2009 treated him as surplus staff and



WP No.313 of 2015

directed the third respondent to depute the writ petitioner to the other Cooperative Wholesale Stores at Villupuram.

3. Pursuant to the said order, the third respondent relieved the writ petitioner and directed him to work in the Villupuram District Consumer Cooperative Wholesale Stores. Under such circumstances, the writ petitioner filed WP No.22318 of 2009, challenging the order of the first respondent and the consequential orders passed by the second and third respondents, wherein the petitioner was deputed to the Villupuram District Consumer Cooperative Wholesale Stores. This Court on 08.04.2010 disposed of the said writ petition by passing the following order:-

“8. In any event, the petitioner had gone on leave immediately on the passing of the order and hence, the question of this Court granting the prayer to regularise the service of the petitioner and to give a direction to the respondents to pass order in this regard, does not arise. In the circumstances, I do not find any justification to give any such direction. However, it is open to the petitioner to approach the authority for whatever



relief he desires to seek in this regard. If and when such application is made, it is open to the respondents to pass such orders in accordance with law.”

4. Pursuant to the orders of the Court, the petitioner approached the Revisional Authority under Section 153 of the Tamil Nadu Cooperative Societies Act. The Revisional Authority passed the final orders in proceedings dated 13.10.2014, which is under challenge in the present writ petition.

5. The Revision Petition was rejected on the ground that the petitioner was already granted with the benefits of salary for the period in which he has not served pursuant to the orders passed by this Court in WP No.22318 of 2009 dated 08.04.2010. The petitioner also has admitted the said benefits and accordingly received the same on 16.11.2010.

6. In view of the fact that the petitioner had admitted the benefits and received the same on 16.11.2010, the Joint Registrar of



WP No.313 of 2015

Cooperative Societies rejected the revision petition filed under Section 153 of the Act.

7. When the employee had received the benefit of salary for the period in which he has not attended duty and admitted the same, there is no reason to interfere with the orders passed by the Revisional Authority in the impugned proceedings. Thus, the petitioner has not established any acceptable ground for the purpose of assailing the orders impugned.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

12-07-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

1. The Joint Registrar of Cooperative Societies,
Villupuram Region,
Villupuram.

5/6



WEB COPY



WP No.313 of 2015

S.M.SUBRAMANIAM, J.

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2.The Deputy Registrar of Cooperative Societies,
Tindivanam,
Villupuram District.

WP 313 of 2015

12-07-2022