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W.P.No.36340 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 36340 of 2016

1. M.P. Shanmugam
2. M. Periasamy
3. M. Savithiri
4. V. R. Nataraj
5. N. Nataraj
6. P. Rajamani
7. T.N. Banumathi
8. B.P. Natarajan
9. S. Loganathan
10. K.P. Ramasamy
11. E.M. Chinnasamy
12. A. Kailasam
13. P. K. Subramaniam
14. S.A. Dhandapani
15. P. Ramasamy
16. S. Jansi
17. S. C. Murugesan
18. S. Palanisamy
19. S. S. Murugesan
20. R. Ponnusamy
21. B.P. Thangavelu
22. C. Thangaraju
23. D. Selvaraj
24. P. S. Subramanian
25. S. Thangavelu
26. S. Sivalingam
27. Ramayammal
28. K. Subbarayan
29. K.N. Saraswathy
30. Kumutha



31. P. Ramasamy
32. P.S. Ramalingam
33. R. Periyasamy
34. N.S. Palanisami
35. M. Eswaran
36. S. Moorthy
37. V.N. Susheela
38. V.R. Krishnan
39. S. Natarajan
40. M.S. Chinnusamy
41. S. Arthanari
42. Thamaraiselvan
43. S. Ramaraj
44. K.T. Ramasamy
45. C. Karuppusamy
46. K.M. Deivasigamani
47. M.P. Dhandapani
48. S. Krishnasamy
49. P. Chinnasamy
50. K. Sadasivam
51. K.S.M. Eswaran
52. K.A. Tharabai
53. C. Marimuthu
54. V.N. Vijayakumar
55. C. Arumugam
56. K. Palanisamy
57. K. Balasubramanian
58. K. Periyasamy
59. M. Sivasubramaniam
60. S. Natarajan
61. B. Viswanathan
62. S. Ramachandran
63. S. Periyasamy
64. A. Palanisamy
65. L.S. Sengottaiyan
66. D. Arunachalam
67. C. Govindaraju
68. V. Shanmugam
69. A. Lakshmanan



70. S.R. Gopal
71. D.Rajan
72. C. Samiappan
73. C. Sengottaiah
74. M. Duraisamy
75. A. Gopalan
76. E. M. Ramu
77. R. Subramaniam
78. C. Kuttiappan
79. S. Selvaraju
80. P. Periyasamy
81. T.S. Velusamy
82. N. Rajaiyah
83. S. Ponnusamy
84. V. Muthusamy
85. C. Kandasamy
86. R. Raja
87. R. Govindasamy
88. K. Chinnasamy
89. P.C. Subramaniam
90. N. Samiappan
91. A. Balasubramaniam
92. N. Eswaramurthy
93. K. Natarajan
94. G.A. Kathirvelu
95. M. G. Narayanasamy
96. K. Perumal
97. S. Rajendran
98. P. Velliangiri
99. P. Subramaniam
100. K. Subramanian
101. Miniyan
102. M. Rajendran
103. C.S. Kottilingam
104. K.R. Sivaraj
105. R. Muthusamy
106. K. Balasubramanian
107. A. Mylsamy
108. S. N. Mani



109. A. M. Palanisamy
110. P. Deivasigamani
111. S. Selvakrishnan
112. K.C. Gopalraju

... Petitioners

Vs.

1. Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
No. 170, Periyar E.V.R. Salai,
Kilpakkam, Chennai – 600 010.

2. The Management of
Erode District Central Co-operative Bank,
Bhavani Main Road,
PB No. 558, Erode – 3.
Represented by Chairman.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to give necessary direction to the second respondent to pay three month salary to the petitioners towards unearned leave together with interest @ 12 % per annum from the date of their retirement to till the date of payment.

For Petitioners
For Respondents

: Mr. K. V. Shanmuganathan
: Mr. R. P. Murugan Raja
Government Advocate
for R1
Mr.L.P. Shanmugha Sundaram
for R2



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ORDER

The writ petitioners were the employees of the second respondent co-operative bank. All the writ petitioners were retired from service long back and more over the present writ petition was filed after the lapse of several years.

2. The grievance of the writ petitioners is that the three months salary towards the unearned leave together with interest has not been settled in favour of the writ petitioners. In this regard, they have submitted several representations.

3. The learned counsel for the second respondent made a submission that one of the writ petitioners approached the Labour Court and the Labour Court dismissed the claim as the benefit of unearned leave is not available to the employees of the cooperative bank. The Registrar also clarified that the facility of encashment of unearned leave available to the Government servants are not extended to the employees of the cooperative bank and therefore, the said benefit cannot be granted.



4. This Court is of the opinion that the present writ petition was filed after a lapse of several years from the date of the retirement and therefore the benefit itself is to be rejected on the ground of laches. However, the petitioners are at liberty to approach the revisional authority under Section 153 of the Tamil Nadu Cooperative Societies Act, if any other grievance in this regard.

5. With this liberty, the writ petition stands dismissed. No costs.

07.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

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S.M.SUBRAMANIAM, J.

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