



W.P.No.15468 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

WP No.15468 of 2017

And

W.M.P.No. 16757 of 2017

M.Muni Nanjappa

... Petitioner

-Vs-

1. The Joint Registrar of Co-op. Societies
Krishnagiri District.
2. The Management of S.516,
Bithireddy Primary Agricultural
Co-operative Credit Society
Rep. by its President,
Bithireddy, Denkanikottai Taluk
Krishnagiri District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in Na.Ka.No. 651/2017/Sa.Pa. dated 15.05.2017 and quash the same and consequently direct the second respondent to provide employment to the petitioner as



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Office Assistant in the second respondent society along with all monetary benefits till 31.07.2018.

For Petitioner : Mr. T.Sundaravadanam
For 1st Respondent : Mr. S.Ravi Kumar
Special Government Pleader
For 2nd Respondent : Mr. A.Raja Perumal
for Mr. L.P.Shanmuga Sundaram

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with an order of the first respondent / the Joint Registrar of Co-op. Societies, Krishnagiri District, in Na.Ka.No. 651/2017/Sa.Pa. dated 15.05.2017 and to direct the second respondent / the Management of S.516, Bithireddy Primary Agricultural Co-operative Credit Society, rep. by its President, Bithireddy, Denkanikottai Taluk, Krishnagiri District, to provide employment to the petitioner as Office Assistant together with all monetary benefits till 31.07.2018.

2. The entire facts have been reduced in the noting dated



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2.06.2017. I would extract them:-

"2. The petitioner is working as Office Assistant, which is equivalent to the post of Attender. The learned counsel appearing for the petitioner would submit that as per Bylaw 11 of the Co-operative Societies, the petitioner can continue his service till the age of 60 years. In this regard, he has made several representations to the respondents. However, the first respondent herein viz., the Joint Registrar of Co-operative Societies, Krishnagiri District, revisional authority, without considering the same passed the impugned order by rejecting the claim of the petitioner to allow to work till his retirement age of 60 years. He further submits that the impugned order of the third respondent also does not deal with the Bylaw. Hence, the petitioner has come forward to file this Writ Petition.

3. The Bylaw 11 of the Co-operative



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Societies is extracted hereunder:

"The age of retirement shall be 58 years for Secretary, Assistant Secretary, Manager/ Accountant. Senior Clerk / Cashier / Clerk / Typist/ Jewel Appraiser. Fertilizer salesman / attender and Driver and be 60 years for peon and watchman."

When the Bylaw 11 of the Co-operative Societies, extracted above, is very candid and clear that the age of retirement of salesman/attender and Watchman is 60 years, it is not known, how the joint Registrar of Co-operative Societies, Krishnagiri District has failed to consider the Bylaw.

4. Considering the facts and circumstances of the case, this Court is of the view that the petitioner has made out a prima facie case for grant of interim stay. Hence, there shall be an order of interim stay till further orders."



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3. The above order has protected the petitioner herein.

4. The Writ Petition has been listed as seen for the first time after that particular date. In view of the order of stay, the petitioner had obtained the benefit of the relief which he had sought, namely, to continue to work till 31.07.2018 being granted by the second respondent.

5. The learned Special Government Pleader appearing for the first respondent also affirms that the order had been put into effect and nothing survives for adjudication as on this date.

6. The respondents are however directed to grant all monetary benefits till 31.07.2018, the date of retirement on attaining the age of superannuation of the petitioner herein and grant further benefits as is required in accordance with rules and regulations.

C.V.KARTHIKEYAN,J.



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vsg

7. The Writ Petition therefore stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

vsg

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Index:Yes/No

Neutral Citation:Yes/No

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