



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.19626 of 2021

R.Krishnamoorthy

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Collectorate Campus,
Vellore District.
- 2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Tirupattur, Tirupattur District.
- 3.The Administrator,
Kandili Co-operative Primary Agricultural
and Rural Development Bank Limited D.R.L(V)
Kandili Village, Tirupattur Taluk,
Tirupattur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 28.06.2021 within the stipulated time as fixed by this Court.



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For Petitioner : Mr.S.Sairaman

For Respondents : Mr.M.Rajendran, AGP for R1 & R2

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the first respondent herein to consider the petitioner's representation dated 28.06.2021 within the stipulated time as fixed by this Court.

2. Heard the learned counsel on either side and also perused the entire materials available on record.

3. The petitioner joined as typist on 16.02.1979 in the third respondent Society and thereafter, was promoted as Secretary and retired on 31.05.2018 on attaining the age of superannuation. After retirement, the third respondent issued a cheque for a sum of Rs.9,11,498/- towards gratuity whereas the actual gratuity drawn to be paid based on the last drawn salary of the petitioner for his 39 years of service is Rs.9,97,515/-. Besides the gratuity amount, the amount under the head of Employees Provident Fund was worked out to Rs.2,67,341/- and salary for earned leave was Rs.36,267/- which were



not paid to the petitioner. The total amount of Rs.3,71,258/- is payable by the third respondent. For which, the petitioner made several representations to the respondents 1 and 2. The second respondent gave a reply to the representation of the petitioner that all the claims have already been settled and the third respondent has sanctioned dearness allowance of 153% from 06.05.2013 without permission of the Registrar of the Co-operative Societies and the recovery of the excess amount given to the petitioner was ordered. The new pay enhancement is also due as per the circular of the Registrar of Co-operative Societies in RC.No.114726 of 2014 AR DB2 dated 08.11.2018 with retrospective effect from 01.01.2016 on which date the petitioner was in service and hence, the petitioner is also entitled to the benefit of the enhanced pay revision. Since the representation of the petitioner was not considered by the respondents till date, the petitioner has filed the present petition.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that if short time is granted, the representation submitted by the petitioner will be considered and orders will be passed.

5. In view of the above submissions, this Writ Petition is disposed and the first respondent is directed to consider the representation of the petitioner



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dated 28.06.2021 and to pass appropriate orders in accordance with law,
within a period of two months from the date of receipt of a copy of this order.

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No costs.

08.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

- 1.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Collectorate Campus,
Vellore District.
- 2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Tirupattur, Tirupattur District.



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VIVEK KUMAR SINGH, J.

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