



WEB COPY



Writ Petition No.26359 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26359 of 2024

and

W.M.P.No.28809 of 2024

A.Saravanan

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Collectorate Complex,
Salem Region, Salem District.
- 2.The Circle Deputy Registrar,
O/o.The Deputy Registrar of Co-operative Societies,
Salem, Salem District.
- 3.The Deputy Registrar/Administrator,
The Salem Urban Co-operative Bank Ltd.,
No.25, 405, First Agraharam,
Salem - 636 001, Salem District.
- 4.The Salem Urban Co-operative Bank Ltd.,
No.25, represented by its President,
Salem, Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings dated 05.08.2024 passed by third respondent and quash the same as illegal and



Writ Petition No.26359 of 2024

consequently, direct the respondents to disburse the petitioner's encashment of earned leave salary to a tune of Rs.2,67,552/- with interest within a time stipulated by this Court.

For Petitioner : Mr.P.R.Prithiviraj
For Respondents : Mrs.M.Geetha Thamaraiselvan
Special Government Pleader [R1 & R2]
Mr.N.R.R.Arun Natarajan,
Special Government Pleader [R3 & R4]

ORDER

This writ petition has been filed challenging the proceedings of the third respondent dated 05.08.2024 and for a consequential direction to the respondents to disburse the encashment of earned leave salary with interest.

2. Heard Mr.P.R.Prithiviraj, learned counsel for petitioner, Mrs.M.Geetha Thamaraiselvan, learned Special Government Pleader appearing for respondents 1 and 2 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for respondents 3 and 4.

3. The petitioner had earlier approached this Court and filed W.P.No.2280 of 2021. This writ petition was disposed of by this Court



Writ Petition No.26359 of 2024

by an order dated 11.03.2024 with a direction to the third respondent to deal with the claim made by the petitioner and to pass orders within a time frame. Pursuant to this order, the third respondent has passed the impugned order dated 05.08.2024 and the third respondent has come to a conclusion that the petitioner is not entitled for the benefit and that the excess amount paid to the petitioner must in fact to be recovered.

4. In the considered view of this Court, the petitioner has an efficacious and alternative remedy under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. Without exhausting this remedy, the petitioner cannot straight away come to this Court and file a writ petition. In view of the same, liberty is granted to the petitioner to file a revision petition before the concerned authority within a period of two (2) weeks from the date of receipt of a copy of this order. The concerned authority shall deal with the revision petition and pass final orders within a period of eight (8) weeks thereafter. Till the revision petition is filed by the petitioner, no steps shall be taken to recover any amount from the petitioner.



WEB COPY



Writ Petition No.26359 of 2024

N.ANAND VENKATESH, J
gm

5. Registry is directed to return the original impugned order dated 05.08.2024 to the learned counsel for petitioner in order to enable the petitioner to file a revision petition before the appropriate authority.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

- 1.The Joint Registrar of Co-operative Societies,
Collectorate Complex,
Salem Region, Salem District.
- 2.The Circle Deputy Registrar,
O/o.The Deputy Registrar of Co-operative Societies,
Salem, Salem District.
- 3.The Deputy Registrar/Administrator,
The Salem Urban Co-operative Bank Ltd.,
No.25, 405, First Agraharam,
Salem - 636 001, Salem District.
- 4.The Salem Urban Co-operative Bank Ltd.,
No.25, represented by its President,
Salem, Salem District.

Writ Petition No.26359 of 2024