



W.P.No.28686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.28686 of 2024

U.Vaireswaran

.. Petitioner

Vs.

1.The Registrar of Co-operative Societies,
N.V Natarajan Maaligai,
Poonamallee High Road,
Kilpauk, Chennai.

2.The Joint Registrar of Co-operative Societies,
Thiruvarur.

3.The Administrator,
T.1320 Kottur Primary Agricultural Co-operative Bank,
Represented by its,
Kottur,
Thiruvarur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider petitioner's representation dated 15.07.2024 for initiating action against the 3rd respondent under Section 160 & 166 of the Tamil Nadu Co-operative Societies Act, 1983 for his failure to implement the order of the 2nd respondent passed under Section 153 of Tamil Nadu Co-operative Societies Act, 1983 in proceedings Na.Ka.No.531/2023/Sa.Pa dated



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31.10.2023 and to pass orders in accordance with law and merits within a stipulated period of time.

For petitioner : Mr.R.Prem Narayan
For RR 1 & 2 : Mr.T.M.Rajangam
Government Advocate
For R3 : Mrs.Meera Arumugham
Additional Government Pleader

ORDER

The present writ petition has been filed for the issue of writ of mandamus directing the 1st respondent to consider the representation made by the petitioner wherein the petitioner is seeking for initiating action against the 3rd respondent under Section 160 & 166 of the Tamil Nadu Co-operative Societies Act, 1983, on the ground that the 3rd respondent is refusing to implement the orders passed by the 2nd respondent under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983.

2.Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 & 2 and the learned Additional



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Government Pleader for the 3rd respondent.

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3.The grievance of the petitioner is that the 2nd respondent has already passed an order dated 31.10.2023 under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. By virtue of this order, the 2nd respondent has directed the 3rd respondent to pay the arrears of salary for the entire non-employment period, to fix the pay of the petitioner in the revised scale of pay as per G.O.Ms.No.189, dated 17.11.2009 and the circular issued by the Registrar of Co-operative Societies dated 02.12.2009 and the circular dated 11.01.2009 and to pay the petitioner Provident Fund, Earned Leave salary and Gratuity without interest. The 3rd respondent orally informed the petitioner that he will comply with only one portion of the order by paying the arrears of salary for the period of non-employment. He openly challenged to the petitioner that he will not comply with the other portions of the order passed by the 2nd respondent. Aggrieved by the same, the petitioner made a representation before the 1st respondent to take action against the 3rd respondent. Since, the same did not evoke any response, the present writ petition has been filed before this Court.

4.Taking into consideration the facts and circumstances of the case



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and the order passed by the 2nd respondent under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, dated 31.10.2023 and also based on the specific averments that have been made in the affidavit filed in support of the writ petition to the effect that the 3rd respondent is not willing to comply with the order passed by the 2nd respondent, there shall be a direction to the 1st respondent to deal with the representation / complaint made by the petitioner on 15.07.2024 after calling for an explanation from the 3rd respondent. A final decision shall be taken by the 1st respondent within a period of four (4) weeks from the date of receipt of a copy of this order.

5.The petitioner is directed to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order.

6.This Writ Petition is disposed of with the above directions. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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