



WEB COPY



W.P.No.1200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1200 of 2024

S.Gunasekaran

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Tiruppur Region,
Door No.407, 4th Floor,
Collectorate Building,
Tiruppur 641 604

2.The Deputy Registrar of Co-op Societies,
Dharapuram Circle,
Dharapuram, Tiruppur District

3.No.AA 217, Vellakovil Primary Agricultural
Co-operative Credit Socceity Ltd.,
rep. by its Administrator,
Muthur Road, Vellakovil 638 111,
Kangeyam (Taluk),
Tiruppur District

... Respondents

PRAYER:

Writ petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the report dated 31.08.2022 as modified subsequently on 17.09.2022, submitted by the Committee of the Co-op. Sub Registrars to the first respondent herein and to quash the same and



W.P.No.1200 of 2024

further direct the first respondent to pay the monetary benefits due to the petitioner as per the representation dated 17.02.2023 made by the petitioner to the first respondent after deducting the amount already paid to him together with interest at the rate of 12%.

For Petitioner : Mr.K.V.Shanmuganathan

For Respondents
For R1 & 2 : Mr.K.H.Ravikumar,
Government Advocate

For R3 : Mr.A.M.Ayyadurai,
Government Advocate

ORDER

This writ petition has been filed challenging the report dated 31.08.2022 as modified subsequently by the order dated 17.09.2022.

2. The petitioner had joined the service of the third respondent Society as Attender on 13.05.1977. After cooperative training, he was promoted as Clerk with effect from 01.01.1981. While he was working as Clerk, he was placed under suspension with effect from 09.11.1983 on the allegation of misappropriation and dereliction of duty. Ultimately, he was terminated from service with effect from 28.02.1984. Therefore, the petitioner raised Industrial Dispute in ID.No.32 of 1993, wherein passed award dated



W.P.No.1200 of 2024

14.09.1995 and set aside the order of termination. It was challenged before this

Court by the third respondent in WP.No.124 of 1996 and the same was dismissed. The same was confirmed by the Hon'ble Division Bench of this Court in WA.No.712 of 2002 by an order dated 11.07.2007. Thereafter, he was reinstated into service and subsequently he was promoted to the post of Assistant Secretary with effect from 31.12.2007. Thereafter he submitted representation to the Special Officer to give him promotion as Assistant Secretary with effect from 01.04.1988. Thereafter, on the representation submitted by the petitioner, enquiry was conducted. However, he was de-promoted from the post of Assistant Secretary to the post of Clerk. Therefore, the petitioner challenged the same by way of writ petition before this Court in WP.No.19284 of 2010. He also filed revision petition before the Government of Tamilnadu. In the revision, the third respondent was directed to provide opportunity to the petitioner and pass appropriate orders by GO.(2D)No.134 dated 03.12.2010.

3. As directed, the petitioner was served with show cause notice and once again, he was de-promoted to the post of Clerk with effect from 09.05.2011. It was also challenged before this Court and this Court directed



W.P.No.1200 of 2024

the petitioner to file revision before the first respondent. The third respondent challenged the said order before this Court in WP.No.14383 of 2014 and the same was dismissed by order dated 31.01.2019. It was also confirmed by the Hon'ble Division Bench of this Court in WA.No.1818 of 2019. Thereafter, the petitioner made representation seeking to settle arrears of wages and other monetary benefits with interest. However, it was not considered and as such, once again the petitioner was constrained to approach this Court in WP.No.11170 of 2021 and this Court directed the first respondent to consider the representation submitted by the petitioner and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of the order.

4. Thereafter, a Committee was constituted and sent the communication along with copy of report submitted by the Committee. Accordingly, the Committee had recommended payment of Provident Fund due up to 31.03.2022 to the tune of Rs.17,42,761/- together with interest from 01.04.2022 to 31.08.2022 to the tune of Rs.59,173/-, gratuity to the tune of Rs.7,81,273/- and the leave salary to the tune of Rs.2,93,096/-, in total a sum of Rs.28,76,303/-. It also recommended for deduction of Rs.4,46,562/- paid in



W.P.No.1200 of 2024

excess. Accordingly, the said amount was settled to the petitioner. According to the petitioner, the petitioner was denied revised pay with effect from 01.11.1990 as per Section 12(3) of the ID Act settlement dated 12.02.1991. As per the settlement, the Secretary was given 32% increment and the Clerk and the Attendant were respectively given 37.5 % and 57% increment. However, it was not complied with. However, the petitioner claimed that the Committee omitted to grant benefits under various Heads such as PF as on 30.09.1983, leave salary and the statutory interest on the gratuity amount. Therefore, once again the petitioner made representation.

5. After having been accepted the order passed by the second respondent dated 12.09.2022 as per the report of the Committee dated 31.08.2022 and also received amounts, now the petitioner challenged the same. In fact, the petitioner also submitted representation subsequent to the report dated 31.08.2022 as modified on 17.09.2022. Therefore, this Court finds no infirmity or illegality in the impugned report. As such, this writ petition is liable to be dismissed.



W.P.No.1200 of 2024

6. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

19.01.2024

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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W.P.No.1200 of 2024

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