



W.P(MD)No.25567 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.25567 of 2022

Vanaraj.S

... Petitioner

Vs

1.The Deputy Registrar of Co-operative Society,
J.R.Nagar,
Periyakulam,
Theni District.

2.M.P.No.92, Varusainadu Primary Agricultural
Co-operative Bank Ltd.,
Rep. by its Special Officer,
Varusainadu, Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to reinstate the petitioner into service as sales man on the basis of earlier common order passed by this Honble Court in W.P.(MD) No.8459 and 8533 of 2022 in the light of petitioner's last representation dated 05.07.2022 within a stipulated time fixed by this Court.



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For Petitioner : Mr.C.M.Ganesan
For Respondents : Mr.K.Balasubramaniam
Special Government Pleader

ORDER

The petitioner was appointed as a salesman in a Fair Price Shop run by M.P.No.92 Varusainadu Primary Agricultural Co-operative Bank Ltd., Theni District on 09.11.1990. He was placed under suspension alleging that the petitioner and some other sales men have involved in malpractice. The grievance of the petitioner is that he was not paid with subsistence allowance. Therefore, the petitioner has submitted a representation before the respondents on 08.11.2021 and 05.07.2022. However, no action has been taken by the respondents. Therefore, the petitioner has filed this writ petition in the year 2022, seeking a Mandamus, directing the respondents to reinstate the petitioner into service as salesman.

2.The learned counsel appearing for the petitioner by referring an order passed by Principal Seat of this Court in WP Nos.



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8459 and 8533 of 2002, dated. 28.03.2003 submits that a representation has been given to the respondents on 05.07.2022 to consider the case of the petitioner, in the light of the order passed by the Principal Seat of this Court in WP Nos.8459 and 8533 of 2002, dated. 28.03.2003 and to re-instate the petitioner into service as a Salesman. However, there is no response from the respondents.

3. Notice was ordered in this writ petition on 10.11.2022 and thereafter, this writ petition was not listed. The learned counsel for the petitioner has circulated a letter, dated 30.09.2024 to the Registry that after entertaining this writ petition, it was not listed for hearing. Therefore, this writ petition was listed on 19.10.2024 and on that day, it was posted to 12.11.2024. On 12.11.2024, there was no representation for the petitioner and therefore, this Court directed the Registry to list this writ petition, under the caption "for dismissal" today.



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4.Today (14.11.2024), when this writ petition is taken up for hearing, the learned counsel for the petitioner submits the writ petition filed by one Ramakrishnan in WP Nos.8459 and 8533 of 2002 before the Principal Seat of this Court were allowed, by order dated 28.03.2003 for a similar relief and therefore, the petitioner is also entitled for the relief of re-instatment into service.

5.The learned Special Government Pleader appearing for the respondents submits that this petitioner was appointed as a salesman in a Fair Price Shop run by the second respondent Co-operative bank on 09.11.1990 and he had served only for a period of eight months till 22.06.1991. Thereafter, he was suspended on the ground of certain irregularities. He further submits that the second respondent, by a resolution dated 22.06.1991 has terminated this Petitioner and nine other salesmen from service. The writ petitions referred by the learned counsel for the petitioner has been filed by one Ramakrishnan, a suspended salesman of the second respondent, sought for a Mandamus, directing the respondents to



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pay subsistence allowance to him from the date of suspension till the date of removal of petitioner from service on 26.02.2002 and challenging the order of termination. The Principal Seat of this Court, by order, dated 28.03.2003 has allowed those writ petitions. He further submits that the facts and circumstances of the case of the said Ramakrishnan cannot be equated with that of the petitioner. Therefore, this writ petition is liable to be dismissed.

6.This Court considered the rival submissions made and also perused the materials placed on record.

7.The petitioner, a suspended employee of the second respondent with a grievance that subsistence allowance has not been paid to him for his suspension period has submitted a representation to the respondents and approached this Court for a Mandamus, to direct the authorities to re-instate him into service as a salesman. The learned counsel for the petitioner has referred an order passed by the Principal Seat of this Court in WP Nos.8459 and 8533 of 2002,



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dated. 28.03.2003 and made his submissions that this petitioner is also entitled for the relief, which has been granted to the said writ petitioner. However, as rightly pointed out by the learned Special Government Pleader the facts and circumstances of the case of that writ petitioner cannot be equated with the present case on hand. The petitioner has not made out his case.

8.In view of the above, this writ petition is dismissed.

No costs.

14.11.2024

NCC:Yes/No

Index:Yes

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To

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B.PUGALENDHI, J.

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Order made in
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