



WEB COPY

WP No. 28684 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

**WP No. 28684 of 2015
& WMP No.32511 of 2024**

1. M.Shagul Hameed,
S/o.M.Naina Mohammed, No.22/9,
Neelakantan Street, Ganapathy Nagar,
Nagalkeni, Chennai-44

Petitioner(s)

Vs

1. The Registrar of Cooperative Societies, 170, Periyar EVR Salai, Kilpakkam, Chennai-10
- 2.The Joint Registrar of Cooperative Societies, Kancheepuram Region, Kancheepuram.
- 3.The Kancheepuram District Consumers Co-operative Wholesale Stores Ltd.,
Rep. by its President, 185, Prakasam Salai, Chennai-108
- 4.The Managing Director,



The Kancheepuram District Consumers
Co-operative Wholesale Stores Ltd.,
185, Prakasam Salai, Chennai-108

WEB COPY

Respondent(s)

PRAYER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records pertaining to the order dated 14.7.2015 passed by the 2nd respondent in the petitioner revision petition under Section 153 and in Na.Ka.No.7925/2014/ SaPa., quash the same in so far as denying the petitioner salary and other attendant benefits for the period from 02.12.2014 to 13.07.2015 by applying the Principle of 'No Work No pay' and directing to treat the said period as leave on loss of pay and consequently direct the respondents 3 and 4 to treat the period from 02.12.2014 to 13.07.2015 as duty with pay for all purposes and also to pay the petitioner salary and all other attendant and consequential benefits for the said period, together with interest at the rate of 12% per annum, award costs.

For Petitioner(s): Ms.G.K.Dharshini for Mr.V.Ajoy
Khose

For Respondent(s): Mr.S.Ravikumar, Special. GP for
R1 & R2
Mr.R.Bala Ramesh, for R3 and
R4

**ORDER**

WEB COPY This Writ Petition has been filed seeking for issuance of a Certiorarified

Mandamus, to call for the records pertaining to the order dated 14.7.2015 passed by the 2nd respondent in the revision petition filed by the petitioner under Section 153 and in Na.Ka.No.7925/2014/ SaPa., quash the same in so far as denying the petitioner salary and other attendant benefits for the period from 02.12.2014 to 13.07.2015 by applying the principle of 'No Work No pay' and directing to treat the said period as leave on loss of pay and consequently direct the respondents 3 and 4 to treat the period from 02.12.2014 to 13.07.2015 as duty with pay for all purposes and also to pay the petitioner salary and all other attendant and consequential benefits for the said period, together with interest at the rate of 12% per annum, and award costs.

2. The petitioner was working as Packer in the respondent society and when he reached 58 years, he was asked to retire from service. The said retirement was on 02.12.2014 on attaining the age of 58 years.



3. In accordance with the amended Rule 149 of the Tamil Nadu Co-operative Societies Rules, 1988 the age of superannuation is 60 and not 58.

WEB COPY

Since the petitioner was asked to retire from service at the age of 58, he filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983.

4. In the revision petition, the Joint Registrar/second respondent found favour with the arguments of the petitioner that the retirement age is 60 and not 58. However, while passing the said order to reinstate the petitioner, the second respondent/Joint Registrar directed that the petitioner shall be reinstated on the basis of "No work No Pay". The petitioner was reinstated on 14.07.2015.

5. The learned counsel for the petitioner would submit that the respondent Society is at fault for asking the petitioner to go on retirement, while as per the Rule, the age of retirement is at the age of 60 years. It is admitted by the respondents that the retirement age is 60. Since the petitioner was supposed to retire at the age of 60 years, the non-payment of the salary between the period



from the date of his retirement till the date of reinstatement (i.e.) from

02.12.2014 to 13.07.2015 is improper. Accordingly, he prays for a direction to

the respondents to pay the salary for the said period.

6. The learned counsel for the respondents would submit that since the petitioner had not worked, the principle of "no work no pay" will apply and he not entitled for the payment.

7. In the present case, the petitioner, in fact, was forced to go on retirement at the age of 58 contrary to the Rule 149, which prescribed the age of superannuation as 60 years. Later, the petitioner questioned his retirement by way of a revision, wherein, he was successful before the second respondent, who ordered reinstatement of the petitioner and permitted him to work till he reaches 60 years. It is the fault of the respondent society to force the petitioner to go on retirement at the age of 58 years contrary to the Rule which prescribes 60 years for superannuation. Though the 2nd respondent while entertaining the revision filed by the petitioner, rightly directed reinstatement of the petitioner,



but without ordering payment of salary on the ground of no work, no pay, which in the opinion of this Court, is not justifiable as already stated above, the fault is on the part of the respondent society. Therefore, non-payment of salary to the petitioner by the respondent society is improper and the petitioner is entitled to the same.

8. Accordingly, the respondent Society is directed to pay the salary for the said period between 02.12.2014 to 13.07.2015 to the petitioner. It is needless to say that since this Court found that the petitioner was forced to go on retirement, all consequential benefits that would accrue on his reinstatement, shall be considered by the respondent Society.

9. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

16-09-2025

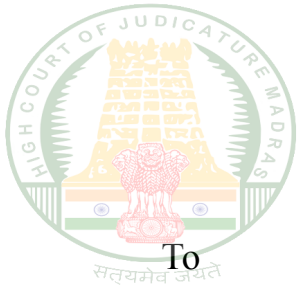
dn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

WEB COPY

1. The Registrar of Cooperative Societies, 170, Periyar EVR Salai, Kilpakkam, Chennai-10
2. The Joint Registrar of Cooperative Societies, Kancheepuram Region, Kancheepuram
3. The Kancheepuram District Consumers Coop. Wholesale Stores Ltd., rep. by its President, 185, Prakasam Salai, Chennai-108
4. The Managing Director The Kancheepuram District Consumers Coop. Wholesale Stores Ltd., 185, Prakasam Salai, Chennai-108



WEB COPY

WP No. 28684 of 2015



K.SURENDER, J.
dn

WP No. 28684 of 2015

16-09-2025