



W.A(MD)No.1253 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

W.A(MD)No.1253 of 2026

and

CMP(MD)No.10790 of 2026

1. The Joint Registrar of Cooperative Societies / Common Cadre Authority
O/o. The Joint Registrar of Cooperative Societies
Tenkasi Region
Tenkasi.

2. The Deputy Registrar of Cooperative Societies
O/o. The Deputy Registrar of Cooperative Societies
Tenkasi Circle
Tenkasi.

... Appellants

VS.

1. N.Dhashnamoorthy

2. The Administrator,
O.1640, Nagalkulam Primary Agricultural Cooperative Credit Society,
Arunaperi, Alangulam Taluk,
Tenkasi District.

... Respondents

PRAYER : Writ Appeal filed under Claus 15 of Letters Patent, against the order dated 19.11.2025 made in W.P(MD)No.29606 of 2025.

For Appellants	: Mr.S.I.Muthiah, Additional Government Pleader
For R1	: Mr.D.Shanmugaraja Sethupathi
For R2	: Mr.S.Kumar

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JUDGMENT

(Judgment of the Court was made by C.V.KARTHIKEYAN, J.)

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The first and second respondents in WP(MD)No.29606 of 2025 aggrieved by the order of the learned Single Judge dated 19.11.2025 are the appellants herein.

2. The said writ petition had been filed by the first respondent herein, seeking a direction to the respondents therein to disburse the retirement benefits including Gratuity, Employee Provident Fund and Earned Leave Salary and other benefits within a specific time. The learned Single Judge had noted that the writ petitioner had superannuated on 30/07/2024 and had not been granted terminal benefits only on the ground that an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 was pending. It is trite law to point out that any enquiry under Section 81 is only a fact finding enquiry. Thereafter, on the basis of the facts which had been determined, further proceedings will have to be initiated under Section 87 of the Act. However, no employee of a Co-operative Society could be retained in service, unless the Rules specifically provide for that particular aspect. It had been noted by the learned Single Judge that there is no provision under The Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules, 2019, to retain an employee beyond the date of retirement or to permit him to be retained in service after attaining the age of superannuation.

3. The learned Single Judge had disposed of the writ petition directing disbursal of the terminal benefits to the writ petitioner within a period of twelve weeks. That



order was put in challenge in WA(MD)No.777 of 2026 by the Society who was the third respondent in the writ petition. The appeal filed by the Society suffered an order of dismissal by a Co-ordinate Division Bench by order dated 01.06.2026. We would extract the relevant portion of the order of the Division Bench:

"3. Admittedly, the first respondent is the Secretary of the appellant Society, governed by the Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules, 2019. Under the said Rules, there is no provision enabling the continuance of disciplinary proceedings beyond the date of retirement or permitting retention in service after attaining the age of superannuation.

4. Such being the position, the freezing of terminal benefits of the first respondent, his retention in service, and placing him under suspension are, in our view, not sustainable. It is to be noted that, on the date of superannuation, neither any disciplinary proceedings nor a charge memo had been issued. Therefore, a mere contemplation of enquiry under Section 81 of the Act would not justify placing a person under suspension, particularly after superannuation. Even if any enquiry results in surcharge proceedings against the first respondent, the order can be enforced by way of recovery under the provisions of the Tamil Nadu Revenue Recovery Act, 1864, or through other permissible modes. For that purpose, terminal benefits cannot be withheld. Hence, we find no merit in the writ appeal."

4. The same reasoning would apply to the appellants also. When the Society has no Rule to retain any individual beyond the period of superannuation, the present



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appellants cannot thrust such a Rule or invoke such a Rule to proceed against the first respondent herein.

5. In view of this particular reason, we find no merits in the writ appeal. The Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[C.V.K., J.] & [R.S.V., J.]
13.08.2026

Index : Yes / No
Neutral Citation : Yes / No
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