

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.Nos.8312 and 17765 of 2015

R.Nagaraj

.. Petitioner in
W.P.No.8312/2015

B.Murugan

.. Petitioner in
W.P.No.17765/2015

Vs.

1. Union of India,
Rep. by its Secretary to Government,
Ministry of Home Affairs,
Government of India,
New Delhi-1.
2. The Joint Secretary to the
Government of India,
Ministry for Personnel, Public Grievances
and Pension, (Department of Personnel
and Training), New Delhi-1.
3. The Chairman (REPCO Bank) cum
the Secretary,
Public and Rehabilitation Department,
Fort St. George, Chennai-600 009.
4. The Managing Director,
REPCO Bank, REPCO Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.
5. The Executive Director,
REPCO Bank, REPCO Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.
6. Mr.R.Varadharajan,
The Managing Director,
REPCO Bank, REPCO Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.
7. Mr.K.Rajendran,
The Executive Director,
REPCO Bank, REPCO Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.

.. Respondents in
W.P.No.8312/2015

1. Union of India,
Rep. by its Secretary to Government,
Ministry of Home Affairs, Government of India,
New Delhi.
 2. The Central Registrar of Co-operative Societies
cum Joint Secretary to Government,
Department of Agriculture & Co-Operation,
Ministry of Agriculture, Government of India,
New Delhi.
 3. The Board of Directors, REPCO Bank,
Rep. By its Chairman-cum-Secretary to
Government, Public and Rehabilitation Department,
Government of Tamil Nadu, Chennai-600 009.
 4. The Managing Director,
REPCO Bank, REPCO Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.
 5. The Executive Director,
REPCO Bank, REPCO Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.
 6. Mr.R.Varadharajan,
The Managing Director,
REPCO Bank, REPCO Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.
 7. Mr.K.Rajendran,
The Executive Director,
REPCO Bank, REPCO Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.
- Respondents in
W.P.No.17765/2015

Writ Petition in W.P.No.8312 of 2015 is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing respondents 1 to 3 from allowing the 4th and 5th respondents to continue in service after completion of 60 years of age, particularly, directing the 3rd respondent to implement the proceedings of the 2nd respondent in Office Memorandum No.25012/8/98-Estt.(A) Dated 30.05.1998, imposing a complete ban on extension in service beyond 60 years towards the post of the 4th and 5th respondents.

Writ Petition in W.P.No.17765 of 2015 is filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring respondents 6 and 7 functioning in the post of respondents 4 and 5 beyond the age of 60 years is null and void and violation of bye laws and service regulations of the 3rd respondent bank and also directing respondents 1 and 2 to take appropriate action to terminate respondents 6 and 7 from the post of Managing Director and Executive Director respectively in the 3rd respondent bank within the time prescribed by this Court.

For Petitioner : Mr.T.Sellapandian
in W.P.8312/2015

For Petitioner : Mr.J.James
in W.P.17765/2015

For Respondents :Mr.K.T.Raghavan,
SCGSC., for R1& R2 in
W.P.8312/2015
Mr.A.Murughan,
CGC., for R1 & R2 in W.P.17765/2015
Mr.G.Rajagopal,
Addl. Solicitor General, Assisted by
Mr.A.Ilangovan for R3 in both WPs.
Mrs.A.V.Bharathi for R4 to R7 in both
WPs.

COMMON ORDER

These writ petitions are filed seeking to forbear Mr.K.Rajendran, the seventh respondent in both the writ petitions, from functioning as Executive Director and Mr.R.Varadharajan, the sixth respondent in both the writ petitions, from functioning as Managing Director of REPCO Bank beyond 60 years of age.

2. Mr.G.Rajagopal, learned Additional Solicitor General, appearing for the REPCO Bank, submitted that the age of retirement for Executive Director and Managing Director is 62 years. He further submitted that the Executive Director has already retired from service on reaching the age of superannuation.

3. In view of the statement made by the learned Additional Solicitor General appearing for the REPCO Bank that the age of retirement for Executive Director and Managing Director is 62 years, there is no legal bar in continuing the service upto 62 years.

4. Accordingly, these writ petitions fail and the same are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government,
Union of India, Ministry of Home Affairs,
Government of India,
New Delhi-1.
 2. The Joint Secretary to the
Government of India,
Ministry for Personnel, Public Grievances
and Pension, (Department of Personnel
and Training), New Delhi-1.
 3. The Chairman (REPCO Bank) cum
the Secretary,
Public and Rehabilitation Department,
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cum Joint Secretary to Government,
Department of Agriculture & Co-Operation,
Ministry of Agriculture, Government of India,
New Delhi.
 5. The Board of Directors, REPCO Bank,
Rep. By its Chairman-cum-Secretary to
Government, Public and Rehabilitation Department,
Government of Tamil Nadu, Chennai-600 009.
- +2 copies to Mr.A.Murugan,Advocate, SR 33532, 33533
+1 cc to Mr.K.T. Raghavan,Advocate, SR 33235
+1 cc to Mr.J.James, Advocate, SR 33111
+2 copies to Mr.A.Ilangovan, Advocate,SR 33190 and 33191
+2 copies to Mrs.A.V. Bharathi, Advocate, SR 33195,33196.

W.P.Nos.8312 & 17765 of 2015

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