

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31863 of 2015

And

M.P.Nos.1 to 3 of 2015

M.K.Santhakumari

.. Petitioner

Vs.

- 1 The Registrar of Co-operative Societies N.V.N. Maligai Kilpauk Chennai-10.
- 2 The Joint Registrar of Co-operative Societies, Salem Region, Salem.
- 3 The Deputy Registrar of Co-operative Societies, Salem Circle, Salem.
- 4 The President No.1216 Subramanianagar Co-operative Urban Bank, 70/68 Azhagapuram Main Road Sooramangalam, Salem-636005.
- 5 The Special Officer/ Deputy Registrar No.1216 Subramanianagar Co-operative Urban Bank 70/68, Azhagapuram Main Road Sooramangalam, Salem-636005.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records on the file of fifth respondent relating to the order issued in ref. No.NIL dated 30.04.2013 and to quash the same in so far relates to recovery of Rs.3 lakhs from the petitioner and consequently direct the respondents to disburse the retirement benefits of Rs.3 lacs together with interest to the petitioner forthwith.

For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-op)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner while working as the General Manager (incharge) retired from service on attaining the age of superannuation on 30.04.2013 and claims to have rendered hard, sincere and blemishless service to the satisfaction of the Superior Officers. The petitioner while working as Assistant Manager is said to have stood as guarantor to one Rajamanickam who was also employed as Assistant Manager and on account of the mis-conduct and dereliction of his duty, he was placed under suspension and ultimately, terminated from service.

3. The petitioner on attaining the age of superannuation on 30.04.2013 had retired from service and it was subject to the condition that she has to pay a sum of Rs.3,00,000/- and it would be deducted from her retirement benefits as she failed to submit the loan settlement certificate for the loan availed by the principal debtor Thiru.Rajamanickam. It is further stated by the petitioner that the said person was in service for nearly seven years for the period of 2004-2010 and no recovery action has been taken against the principal debtor and now recovery action has been taken against the petitioner in the form of recovery of Rs.3,00,000/- from her retirement benefits and hence, came forward to file this writ petition.

4. It is the submission of the learned counsel appearing for the petitioner that the petitioner is suffering due to paralysis illness and she is advised to undergo continuous treatment and therefore, she is in urgent requirement of the funds and the petitioner has also submitted a representation dated 02.02.2015 to the respondents praying for reviewing the decision and it would be suffice to direct the fourth respondent to consider and dispose of the petitioner's representation within a stipulated time frame and till then, the recovery from the pensionary benefit may not be effected and prays for appropriate orders.

5. Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operatives) who accepts notice on behalf of the respondents would submit that admittedly, the petitioner stood as guarantor to the principal debtor Thiru.Rajamanickam and since he failed to pay the same, the petitioner is bound to pay the said sum to the Bank and that is why the petitioner was insisted to produce the no due certificate.

6. This Court heard the rival submissions and perused the materials placed before it.

7. This Court taking into consideration the limited scope of the prayer sought for by the learned counsel for the petitioner on instructions, directs the fourth respondent to consider and dispose of the petitioner's representation dated 02.02.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till then, shall defer decision with regard to the recovery from the petitioner's terminal/ retirement benefits. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

pri

Sd/-
Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Registrar of
Co-operative Societies N.V.N. Maligai
Kilpauk. Chennai - 600 010.
- 2 The Joint Registrar of
Co-operative Societies,
Salem Region, Salem.
- 3 The Deputy Registrar of Co-operative Societies
Salem Circle, Salem.
- 4 The President
No.1216 Subramanianagar,
Co-operative Urban Bank,
70/68 Azhagapuram Main Road
Sooramangalam, Salem-636005.

5 The Special Officer/ Deputy Registrar
No.1216 Subramanianagar,
Co-operative Urban Bank,
70/68, Azhagapuram Main Road
Sooramangalam, Salem-636005.

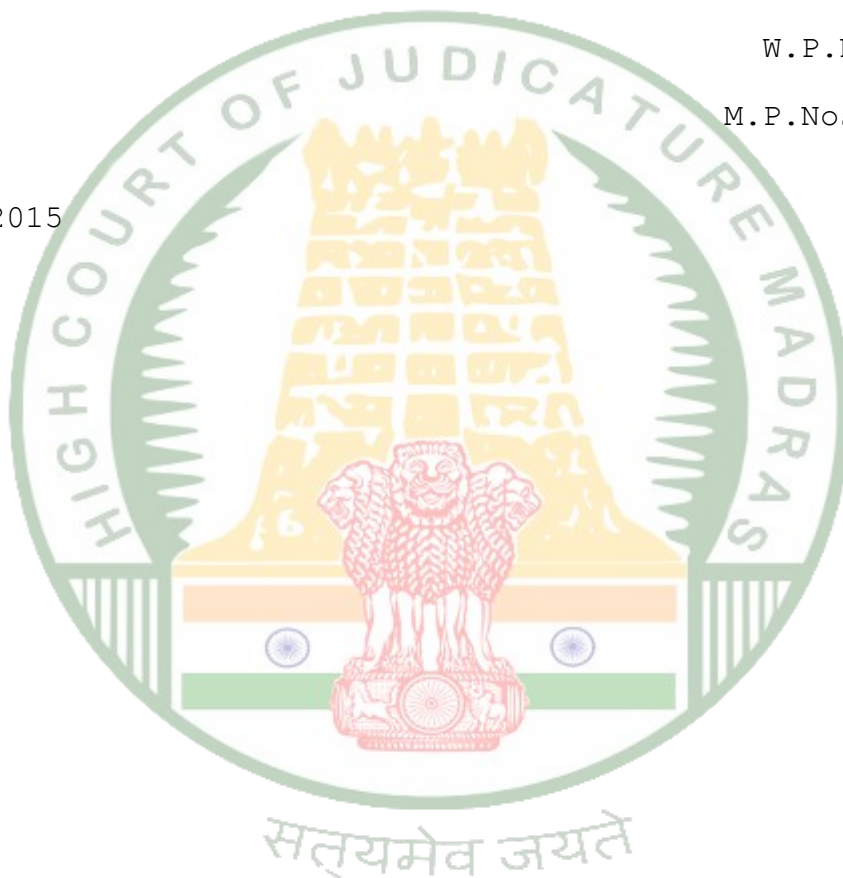
+1 C.C. To MR.L.P.Shanmugasundaram, Advocate in SR.NO.55224

+1 C.C. To MR.R.Chandrasekaran, Advocate in SR.NO.54818

+1 C.C. To Government Pleader in SR.NO.55121

W.P.No.31863 of 2015
And
M.P.Nos.1 to 3 of 2015

MSM(CO)
sd : 20/10/2015



WEB COPY