

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.17898 of 2016
&
W.M.P.No.15597 of 2016

P.Venkatachalam

... Petitioner

vs.

1. The Joint Registrar
Co-Operative Societies
Salem Region
No.410, Collectorate
Salem-1

2.The Deputy Registrar
Co-Operative Societies
Salem Region
No.410, Collectorate
Salem-1

... Respondents

Writ Petition filed under Article 226 of Indian Constitution praying to issue a Writ of Mandamus directing the first respondent to permit the petitioner to retire with terminal benefits on superannuation, in spite of the pendency of C.C.No.87 of 2014 in Judicial Magistrate II, Mettur.

For Petitioner : Mr.L.Rajendran

For Respondents: Mr.R.Bala Ramesh
Additional Government Pleader

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O R D E R

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

2. The petitioner was initially appointed as Senior Inspector of Co-Operative Societies on 16.07.1986 and he was promoted to the post of Co-operative Sub-Registrar with effect from 17.10.1995. Subsequently, when the petitioner was working

as Special Officer in Mettur Industrial Co-Operative Employees Housing Society, the second respondent issued a charge memo dated 25.07.2013 under Section 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules to the petitioner alleging that the petitioner disbursed the housing loan to one Mr.S.K.Govindan without inspecting the site and without verifying the documents. Though the first respondent after enquiry, passed an order to the effect that charges against the petitioner were not proved and the said S.K.Govindan also repaid the entire loan amount, combined charge sheet came to be filed by CCIW CID Unit. Now the petitioner apprehends that he may be suspended on the ground of pendency of the criminal case and will not be allowed to retire from service on 30.06.2016. Hence, he made a representation dated 29.04.2016 to the first respondent requesting him to permit the petitioner to retire from service with terminal benefits. Since, the said representation was not considered till date, the petitioner came forward to file this writ petition.

3. Heard the submissions made by Mr.L.Rajendran, learned counsel for the petitioner and Mr.R.Bala Ramesh learned counsel for the respondents.

4. Considering the submissions made on either side, there will be direction to the first respondent to consider the petitioner's representation dated 29.04.2016 and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Joint Registrar
Co-Operative Societies
Salem Region
No.410, Collectorate
Salem-1

2.The Deputy Registrar
Co-Operative Societies
Salem Region
No.410, Collectorate
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1 cc to M/s.C.Rajendran, Advocate, sr.28294

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mp co
kra 13.05.2016



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