

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.20089 of 2016

V.Sivalingam

.. Petitioner

Vs.

1.The Registrar of Co-operative Societies
170, E.V.R. Periyar High Road
Kilpauk, Chennai-10.

2.Joint Registrar of Co-operative Societies
O/o.Erode Joint Registrar Co-operative Societies
Thiru Nagar Colony
Karungalpalayam
Erode-638 003.

3.The President
K 113 Kugalur pacs
Kugalur Primary Agricultural
Co-operative Credit Society Ltd.
Kugalur
Erode District.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for records of the 3rd respondent, dated 09.10.2015 and to quash the same with consequential direction to the respondents to release the entire retirement and other benefits due to the petitioner with interest at the rate of 12% within a time fixed by this Court.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.L.P.Shanmughasundaram
Standing Counsel

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for records of the 3rd respondent, dated 09.10.2015 and to quash the same and consequently, to direct the respondents to release the entire

retirement and other benefits due to the petitioner with interest at the rate of 12% within a time frame.

3. The petitioner entered into service as Sales Man, on 12.12.1974, in the Kugalur Primary Agricultural Co-operative Credit Society Limited. He retired from service as Secretary, on 31.03.2012. His entire retirement benefits have not been settled so far. While so, the 3rd respondent has sent a letter, dated 07.09.2015, stating that the petitioner has incurred loss to the Society by not collecting the loan amount to the tune of Rs.9,11,720/-. Followed by the said letter, the 3rd respondent has issued a show cause notice, dated 09.10.2015, stating that the petitioner has incurred loss to the Society to the tune of Rs.12,01,955.40. For which, the petitioner has submitted his explanation, but, till date, no further action was taken by the respondents. Further, the petitioner's entire retirement benefits have not been settled so far and hence, he has filed the present Writ Petition.

4. Ms.K.Jenitha, the learned counsel for the petitioner would submit that having permitted the petitioner to retire from service on 31.03.2012, the process now initiated for recovery of the alleged misappropriated amount is not correct. He would further add that for the show cause notice issued on 09.10.2015, the petitioner has already submitted his explanation, on 05.11.2015. In spite of such an explanation offered, till date, no order has been passed. In view of the same, the entire retirement amount has been kept up blocked, therefore, he seeks for the early disbursal of the entire retirement benefits as well as early disposal of the enquiry.

5. Mr.L.P.Shanmughasundaram, the learned Standing Counsel, who takes notice on behalf of the respondents, would assure before this Court that they would take steps for the early disposal of the enquiry.

6. Considering the above submissions, this Court, without going into the merits of the claim made by the petitioner, directs the 3rd respondent to complete the enquiry proceedings, after affording reasonable opportunity to the petitioner by issuing notice, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. The petitioner shall co-operate with the enquiry proceedings. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.
paa

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Registrar of Co-operative Societies
170, E.V.R. Periyar High Road
Kilpauk
Chennai-10.
 - 2.Joint Registrar of Co-operative Societies
O/o.Erode Joint Registrar Co-operative Societies
Thiru Nagar Colony
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Erode-638 003.
 - 3.The President
K 113 Kugalur pacs
Kugalur Primary Agricultural Co-operative Credit Society Ltd.
Kugalur
Erode District.
- + 1 cc to Mrs.K.Jenitha, Advocate SR 33044
+ 1 cc to Mr.L.P.Shanmugasundram, Advocate SR 33168
+ 1 cc to Govt.Pleader SR 33152

scd(co)
prk30/6

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