

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.37493 of 2003
and
WMP Nos.1984 of 2004 and 45530 of 2003

M.Ramasamy

... Petitioner

Versus

1. The Joint Registrar of Co-operative Societies,
Tuticorin.
2. EE 429 Authinathapuram Primary Agricultural
Co-operative Bank,
Alwar Thirunagari,
Tuticorin,
Rep. by its Special Officer

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents particularly that of the 2nd respondent dated 21.10.2003 and quash the same as illegal, unlawful, without jurisdiction and opposed to all canons of natural justice and consequently forbear the respondents from in any manner disturbing the petitioner from executing functions as clerk in the office of the 2nd respondent and drawing salary.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr. P.S.Sivashanmuga Sundaram
Additional Government Pleader
for R1

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O R D E R

The petitioner was promoted to the post of Clerk and was discharging his duties. While so, the impugned resolution dated 21.10.2003 was passed by the second respondent stating that the promotion given to the petitioner was irregular and therefore ordered to recover the excess amount paid to him. Challenging the same, the present writ petition has been filed by the petitioner.

2. Today, when this writ petition is taken up for hearing, the learned counsel for the petitioner submitted that during the pendency of this writ petition, the petitioner was allowed to retire from service. At the time of his retirement, the department has not reserved their right to recover the excess amount on the basis of the outcome of this writ petition.

3. This Court, by an order dated 22.12.2003, has stayed the recovery of excess salary payable from the month of December 2003 onwards until further orders. On 31.12.2004, the interim order granted on 22.12.2003 was restricted with regard to the recovery of excess salary alone and the interim order was made absolute.

4. Admittedly, the petitioner was retired from service without any pre-condition. Further, this Court granted interim order during the pendency of this writ petition and it was made absolute. In such circumstances, the impugned resolution cannot be sustained. The writ petition is therefore closed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

arr/rsh

To

1. The Joint Registrar of Co-operative Societies,
Tuticorin.
2. The Special Officer
EE 429 Authinathapuram Primary Agricultural
Co-operative Bank,
Alwar Thirunagari,
Tuticorin,

+1cc to Mr.T.S.Rajamohan, Advocate, S.R.No.35115
+1cc to the Government Pleader, S.R.No.34910

Writ Petition No.37493 of 2003

AK(CO)
CA(14/07/2016)