

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2720 of 2017

K.P.Janakiraman

.. Petitioner

vs.

1. The Managing Director,  
Tiruvallur Cooperative Urban Bank Ltd., G623,  
No.38, North Raja Street,  
Tiruvallur-602 001.  
Tiruvallur.

2. The Joint Registrar of Cooperative Societies  
(Thrift and Credit),  
Tiruvallur & District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the petitioner all dues to him from the first respondent Bank such as Provident Fund, Gratuity, 240 days Privilege/Earned Leave Allowance, unpaid Subsistence Allowance and other allowances payable to him at an early date.

For Petitioner : Mr.V.K.R.Balakrishnan.

For Respondents : Mr.L.P.Shanmugasundaram,  
Special Govt. Pleader (Co.Op)

सत्यमेव जयते  
O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, while working as Typist in the services of the first respondent Society, was put to additional in-charge of Secretary and he was suspended on 05.07.2005 on the ground that he has caused loss to the Society and subsequently, he was also visited with criminal prosecution along with other accused in C.C.No.158/2007 on the file of the Judicial Magistrate No.I, Tiruvallur and vide judgment dated 17.08.2012, the petitioner was found guilty for offences under Sections 408 IPC (4 counts), 467 IPC (3 counts) and 477(A) IPC (4 counts) and he and other

accused were released under Section 4(1)(3) of the Probation of Offenders Act. The grievance expressed by the petitioner is that de hors the above said facts, he is entitled to get Provident Fund, Gratuity and 240 days of Earned Leave Allowance along with unpaid Subsistence Allowance with interest for belated payment @ 9% p.a. and in this regard, he has also submitted a Lawyer's Notice dated 07.11.2014 to the first respondent and it was replied by stating that he is eligible only for General Provident Fund contribution made by him and some recoveries also to be effected.

3. The learned counsel appearing for the petitioner would submit that despite the fact that criminal case ended in conviction, he was released under the benevolent provisions of Probation of Offenders Act and the stigma of punishment will not attach to him and therefore, he is entitled to get the above said benefits, especially Gratuity, Provident Fund and other benefits and prays for appropriate orders.

4. Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents, would submit that admittedly, the petitioner has suffered punishment and as such, he is not entitled to get any relief and that apart, the petitioner is also liable to pay a sum of Rs.2,09,122.46 to the second respondent Society.

5. This Court has considered the rival submissions and also perused the entire materials placed before it.

6. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a representation to the first respondent along with a copy of this order as to his claim for Gratuity, Provident Fund and other benefits, within a period of two weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the same, is directed to consider and pass orders on merits and in accordance with law within a period of six weeks thereafter and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

s/d-  
Assistant Registrar(CS-III)

//True Copy//

Sub-Assistant Registrar

To

1. The Managing Director,  
Tiruvallur Cooperative Urban Bank Ltd., G623,  
No.38, North Raja Street,  
Tiruvallur-602 001. Tiruvallur.
2. The Joint Registrar of Cooperative Societies  
(Thrift and Credit),  
Tiruvallur & District.

+1 CC to Mr.L.P. Shanmuga Sundaram, Advocate sr 7145  
+1 CC to The Government Pleader sr 7813  
+2 Ccs to Mr. V.K.R. Balakrishnan, Advocate sr 7057

W.P.No.2720 of 2017

SV(CO)  
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