

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.01.2017

DELIVERED ON : 10.01.2017

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.8886 of 2003

T. Raju

Petitioner

vs.

1 The Deputy Registrar of Co-operative Societies
Udhagamandalam Circle
Charing Cross
Udhagamandalam
The Nilgiris

2 The Nilgiri District Central Cooperative Bank
Charing Cross
Udhagamandalam
The Nilgiris
represented by its Special Officer

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the first respondent pertaining to his proceedings in Roc. No.6289/2001/Sa.Pa. dated 31.01.2002 and the consequential order of the second respondent in Roc No.836/99 (MD) dated 31.08.2002 and quash the same insofar as it denies the settlement of retirement benefits and consequently, direct the respondents to pay all the terminal benefits along with interest at the rate of 18% from the date of retirement.

For petitioner Mr. R. Sivakumar
No appearance

For R1 Ms. T. Girija
Govt. Advocate (Co-operative)

For R2 Mr. R.N. Chandrasekar

- - - -

ORDER

In this writ petition, the petitioner challenges the order dated 31.01.2002 and the consequential order dated 31.08.2002 passed by the Special Officer, Nilgiris District Central Cooperative Bank, by which, his terminal benefits were withheld

on the ground that surcharge action is pending against him.

2 The relief claimed by the petitioner is only against the co-operative society and not against any statutory order passed by any authority or revisional authority. This matter is squarely covered by a 5-Judge Bench judgment of this Court in K. Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal-636 001 and another [2006 (4) CTC 689] and also by the judgments of three Full Benches of this Court in (1) A.S. Subramani vs. Deputy Registrar of Co-operative Societies, Tindivanam Region [2006 (4) CTC 444], (2) T.K. Ananda Sayanan vs. Joint Registrar of Co-operative Societies, Vellore Region [2007 (5) CTC 1] and (3) R.Radhakrishnan vs. Deputy Registrar of Co-operative Societies, Dindigul [2007 (4) LLN 868] and also a Division Bench judgment of this Court in T.N. Vatta Kooturavu Veettu Vasathi Sangangalin Anaithu Paniyalargal Madya Sangam vs. Deputy Registrar of Co-operative Societies, Cuddalore and others [2008 (2) LLN 236].

Since this writ petition is squarely covered by the binding precedents of this Court, as referred to above, this writ petition stands dismissed. Costs made easy.

s/d-
Assistant Registrar(CS-III)

//True Copy//

Sub-Assistant Registrar

To

- 1 The Deputy Registrar of Co-operative Societies
Udhagamandalam Circle
Charing Cross
Udhagamandalam
The Nilgiris
 - 2 The Special Officer
The Nilgiri District Central Cooperative Bank
Charing Cross
Udhagamandalam
The Nilgiris
- +1 CC to Mr. R. Sivakumar, sr 2185

Pre-delivery order in
W.P. No.8886 of 2003

VGI (CO)
sp/6/2