



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :19.12.2017

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

WEB COPY

W.P(MD)No.7994 of 2014
and
M.P(MD) .Nos.1 and 2 of 2014

S.Innasimuthu

... Petitioner

Vs.

1. The Secretary,
Department of Co-operation, Food and Consumer Protection,
St.George Fort, Chennai.
2. The Registrar,
Department of Co-operatives,
Kilpauk, Chennai 10.
3. The Joint Registrar,
Department of Co-operatives,
Santhanathapuram 2nd Street, Pudukkottai.
4. The Deputy Registrar,
Department of Co-operatives,
Arantangi, Pudukkottai District.
5. The Special Officer,
Dakshinapuram Primary Agriculture Co-operative Bank,
Alangudi Taluk, Pudukkottai District.
6. The Secretary,
Dakshinapuram Primary Agriculture Co-operative Bank,
Alangudi Taluk, Pudukkottai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the proceedings by the fourth respondent in Na.ga.No.2631/2004, 9-1, quash the same and consequently direct the 4th, 5th and 6th respondents to pass suitable orders to pay the retirement benefits, monthly pension and salary from 01.04.2004 to 31.03.2005 due to the petitioner within a time frame fixed by this Court.

For Petitioner

: Mr.R.Ramasamy

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.S.Kumar

Additional Government Pleader

**ORDER**

This writ petition has been filed, calling for the entire records pertaining to the proceedings by the fourth respondent in Na.ga.No.2631/2004, 3-1, quash the same and consequently direct the 4th, 5th and 6th respondents to pass suitable orders to pay the retirement benefits monthly pension and salary from 01.04.2004 to 31.03.2005 due to the petitioner within a time frame fixed by this Court.

2.The learned counsel for the petitioner would submit that the petitioner joined the sixth respondent's society on 01.06.1975 as messenger and got promotion on time bound basis. Subsequently, he promoted as Secretary to the sixth respondent's society and retired from service on 31.07.2006 and the petitioner relieved from service on 31.07.2006 subject to the outcome of the disciplinary proceedings under Sections 82 and 87 of the Tamil Nadu Co-operative Societies Act, 1983 pending before the fourth respondent. The petitioner was relieved from service on 31.07.2006 without granting any pension benefits. The fourth respondent vide letter dated 30.07.2004 ordered for Thandatheervai over 13 persons including the petitioner for the loss caused to the Society to the extent of Rs.1,17,141/- due to the loan got by the president of society and others and also sanctioning wrong scale of pay to one Chinnappan Salesman. Due to that, the petitioner has been deprived of his pensionary benefits till date and he has not received any money. No notice was issued for taking action against the 13 persons jointly and severally to the extent of Rs.1,17,141/-. Therefore, the petitioner sent many representations to sanction his pension benefits, monthly pension and salary from 01.04.2004 to 31.04.2005. But the respondents have not replied to the petitioner. The fourth respondent had sent Section 87(1) notice dated 07.06.2004 through a notice of 87(2) for personal appearance before him, to give explanation on 15.07.2004. The petitioner attended for the enquiry, but so far no decision was taken and charge sheet was issued and no disciplinary proceedings has taken place against him. Totally no proceedings was taken so far and the petitioner's pension benefits and pending salary have not been given.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4.Considering the submissions made by the learned counsel for the petitioner, this Court directs the respondents to set apart the amount of Rs.1,17,141/- as security for the alleged loss and to pay the rest of the amount as pensionary benefits and other services he is entitled. This Court directs the respondents to appoint an enquiry officer within a period of one month from the date of receipt of a copy of this order and conduct the

enquiry proceedings against all the persons, who are all alleged to have committed loss to the Society, within a period of five months from the date of appointment of the enquiry officer. If the petitioner is not found guilty, the respondents are directed to release the said amount which has been held as security for the loss to the bank.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

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Dakshinapuram Primary Agriculture Co-operative Bank,
Alangudi Taluk, Pudukkottai District.
6. The Secretary,
Dakshinapuram Primary Agriculture Co-operative Bank,
Alangudi Taluk, Pudukkottai District.

+ 1 cc TO Mr. R. Ramasamay, Advocate in SR No. 93542

msa

AE/JC/SAR2/23.03.2018/3P/8C

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