

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.23714 of 2016

K.Shanmugasundaram

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Versus

Petitioner

- 1.The Registrar,
Tamil Nadu Cooperative Housing Society,
Nandanam,
Chennai 600 035.
 2. The Deputy Registrar of Co-operative
Societies (Housing), Salem Region,
East Garden Street,
Fairlands, Salem - 636 016.
 3. The President,
Kavundapadi Cooperative House Building
Society Limited,
94-B, Sirivalur Road,
Kavundapadi - 638 455, Erode District.
 4. The Deputy Superintendent of Police,
Vigilance and Anti-corruption Department,
Erode Department,
Erode.
 5. The Managing Director,
Tamil Nadu Cooperative Housing Federation,
(TNCHF), Post Box.No.486,
48, Ritherton Road,
Vepery, Chennai - 600 007
- Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus directing the respondents 1 to 3 to disburse the entire retrial benefits, arrears of salary, provident Fund, gratuity and security deposit with interest totally a sum of Rs.18,87,251.00 to the petitioner by considering his representation dated 02.01.2015, 15.07.2015, 20.07.2015, 26.10.2015 and 17.12.2015.

For Petitioner : Mr.R.Vinoth Raja
for Mr.N.Manokaran

For Respondents : Mr.L.P.Shanmugasundaram
learned Special Government Pleader (co-op)
for R1 to R3
Mr.V.Kadhirvelu,
learned Special Government Pleader
for R4
Mrs.S.Kanmani Annamalai for R5

O R D E R

It appears that the petitioner while working as a Secretary to the Co-operative House Building Society, Kavindapadi from 20.01.1998 i.e under the 3rd respondent, he was trapped in a Criminal Case and arrested under the prevention of Corruption Act for demanding and accepting illegal gratification of Rs.5,000/- from one Mr.P.K.Arumugam for the reason that, he was placed under suspension. On attaining the age of superannuation, the petitioner has not been allowed to retire from service in view of pendency of the criminal prosecution against him. In the meanwhile, the petitioner faced a criminal prosecution before the learned Special Judge, Prevention of Corruption Act, Coimbatore in Spl.CC.No.86 of 2011 and the same was ended in acquittal and further, no appeal is also pending against the petitioner as seen, from the status report filed by the District Superintendent of Police, so also, the reference made by the 2nd respondent to the 4th respondent in this regard, the aforesaid fact has been clarified. There is also no disciplinary proceedings pending against the petitioner. In this factual backdrop, the petitioner stated to have been submitted several representations and finally on 17.12.2015 to allow him to retire and release the retiral benefits. Since no response is forthcoming, the petitioner has come forward to file this writ petition seeking for a direction to the respondents 1 to 3 to allow him to retire and to allow him to retire and disburse the entire retiral benefits.

3. The learned counsel appearing for the petitioner submits that since the petitioner got acquitted in the aforesaid criminal case, which reached its finality, so also, no appeal and disciplinary proceedings are pending against the petitioner, the case of the petitioner be considered and hence, the respondents be directed to consider the representation with regard to release of retiral benefits to the petitioner.

4. Mr.L.P.Shanmugasundaram, learned Special Government Pleader (co-operatives) appearing 1 to 3 submits the 1st respondent being the authority shall take a considered decision, in accordance with law within a reasonable time, if such representation is pending, if so directed by this Court.

5. This Court, taking into consideration of the nature of the relief sought for by the petitioner, is of the opinion that no purpose is going to be served by seeking a counter affidavit/response from the respondents 1 to 3 and keep the matter pending, more so, in view of the submission of the learned counsel for 2nd respondent. Hence, this Court taking note of the facts and submissions made, directs the petitioner to submit a fresh representation along with a copy of this order to the 1st respondent and the 1st respondent shall receipt of the same, take an informed and considered decision, and if required direct the concerned respondents 2,3, and 4 to release the retrial benefits in favour of the petitioner, if the petitioner is otherwise entitled to for the same, within a period of eight weeks from the date of receipt of copy of this order.

6. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Registrar,
Tamil Nadu Cooperative Housing Society,
Nandanam,
Chennai 600 035.

WEB COPY

2. The Deputy Registrar of Co-operative Societies (Housing), Salem Region,
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Fairlands, Salem - 636 016.
3. The President,
Kavundapadi Cooperative House Building
Society Limited,
94-B, Sirivalur Road,
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Vigilance and Anti-corruption Department,
Erode Department,
Erode.
5. The Managing Director,
Tamil Nadu Cooperative Housing Federation,
(TNCHF), Post Box.No.486,
48, Ritherton Road,
Vepery, Chennai - 600 007

+1cc to Mr.N.Manokaran, Advocate sr.no.49150
+1cc to Mrs.S.Kanmani Annamalai Advocate sr.no.49108
+1cc to Mr.L.P.Shanmugasundaram, advocate sr.no.49885
+1cc to Government Pleader sr.no.49404

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