

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.103 of 2016

1.M.Rajendran (Deceased)
2.R.Arulselvi
3.R.Arivazhagan
4.R.Amala
5.Rukmani

... Appellants/Petitioner

(Appellants 2 to 5 are substituted vide order of this Court dated 4.6.2018 in CMP No.4972 of 2018 in W.A.No.103 of 2016 by KKSJ & RSMJ)

-vs-

1. Joint Registrar of Cooperative Societies,
Perambalur, Perambalur District.
Now Joint Registrar of Cooperative Societies,
Ariyalur, Ariyalur District.
2. The Management of Muthuserva Madam
Primary Agricultural Cooperative Bank,
Muthuserva Madam & PO,
Perambalur District, rep. by its
Special Officer.

Now The Management of Muthuserva Madam
Primary Agricultural Cooperative Credit Society
Muthuserva Madam & PO
Ariyalur District, rep. by its President.

.... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 17.04.2014 made in W.P.No.45424 of 2002.

WP.NO.45424/2002:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in Na.Ka.No.5622/99/Saba dated 30.10.2002 confirming

the order of the second respondent bank No.Nil dated 03.05.1999 and quash the same and direct the respondents to confer all the consequential benefits on the petitioner.

For Appellants : Mr.P.Ganesan
for M/s.C.S.Associates

For Respondents: Mr.L.P.Shanmuga Sundaram,
Special Government Pleader
(Co-operatives)

J U D G M E N T
[Judgment of the Court was delivered by
R.SUBRAMANIAN, J.]

The challenge in this intra court appeal is to the order of the learned single Judge dated 17.04.2014 made in W.P.No.45424 of 2002, in and by which, the writ petition filed by the first appellant challenging the punishment of removal from service imposed upon him pursuant to the disciplinary enquiry was dismissed.

2. The first appellant, who was serving as the employee of the first respondent Society was charge sheeted for certain delinquencies and departmental enquiry was conducted against him. The disciplinary authority concluded that he is guilty of charges viz., misappropriation of monies payable to one Vijayalakshmi on a jewel loan taken by her and continued absence from duty from 24.08.1998. The disciplinary authority imposed the punishment of removal from service on the first appellant. The order imposing the punishment was challenged by the first appellant in the above writ petition. The first appellant raised various contentions including the fairness of domestic enquiry conducted by the authority. The learned single Judge rejected the contentions of the first appellant and dismissed the writ petition by order dated 17.04.2014. Hence, the first appellant has come up with the above intra court appeal.

3. Pending the appeal, the first appellant died and his legal representatives have been brought on record. In view of the death of the first appellant, the question of re-instatement does not arise. We heard Mr.P.Ganesan, learned counsel appearing

for M/s.C.S.Associates for the appellant. Despite his best efforts, the learned counsel is unable to make out any ground on which we could interfere with the findings of the learned single Judge. Mr.P.Ganesan, would however contend that the retirement benefits due to the deceased employee viz., the first appellant have not been paid. We had therefore directed the Society to file an affidavit regarding the retirement benefits that would be payable to the deceased first appellant by the Society.

4. Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader appearing on behalf of the Society has produced the proceedings dated 23.07.2018 of the Secretary of the Society. As per the said proceedings, the amount payable to the deceased first appellant towards retirement benefits is shown as Rs.1,22,674/-. The deceased first appellant owes a sum of Rs.1,05,660/- to the Society towards various loans taken by him during the course of his employment. Mr.L.P.Shanmugasundaram, learned Special Government Pleader has handed over a cheque for the balance amount of Rs.17,014/- today to the learned counsel for the legal representatives of the deceased first appellant on acknowledgment.

5. We do not see any ground to interfere with the order of the learned single Judge. Hence, this intra court appeal stands dismissed confirming the order passed by the learned single Judge. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.Joint Registrar of Cooperative Societies,
Perambalur, Perambalur District.
Now Joint Registrar of Cooperative Societies,
Ariyalur, Ariyalur District.

2.The Special Officer,
The Management of Muthuserva Madam
Primary Agricultural Cooperative Bank,
Muthuserva Madam & PO,
Perambalur District,

Now The Management of Muthuserva Madam
Primary Agricultural Cooperative Credit Society
Muthuserva Madam & PO
Ariyalur District, rep. by its President.

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate sr.no.49883
+1cc to The Government Pleader sr.no.50380

W.A.No.103 of 2016

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nr 03/09/2018



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