



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2018**

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 2821 of 2018

and

W.M.P. (MD) . No. 2970 of 2018

S.Karihalan

.. Petitioner

Vs.

1. The Joint Registrar of Cooperatives Societies,
Thanjavur Region,
Thanjavur.

2. The Managing Director,
Papanasam Cooperative Urban Bank Limited,
Papanasam,
Thanjavur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent dated 18.06.2016 and quash the same.

For petitioner

: Mr. D.Shanmuagaraja Sethupathi

For respondents

: Mr. J.Gunaseelan Muthiah

Additional Government Pleader

O R D E R

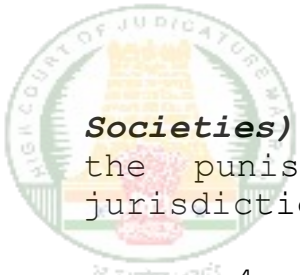
Heard the learned Counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was working as a General Manager in the second respondent/Cooperative society. He reached the age of superannuation on 30.04.2016, Admittedly the respondents did not pass any order in retaining the petitioner in service on or prior to the said date. It is also pointed out that in the special bye laws of governing the respondent Cooperative society, there is no provision empowering the employer to continue the departmental proceedings even after the retirement of the employee. The issue

<https://heservices.accounts.gov.in/heservices/>

is covered by the Full Bench of this Court reported in **2015 (4) CTC 1-(Andiannan vs. The Joint Registrar of Cooperative**



Societies). Therefore, the impugned order dated 18.06.2016 imposing the punishment of Rs.3,000/- on the petitioner is without jurisdiction. It is accordingly quashed.

4. This Writ petition is allowed accordingly. No costs. Consequently, W.M.P. (MD). No. 2970 of 2018 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To:

1. The Joint Registrar of Cooperatives Societies,
Thanjavur Region,
Thanjavur.
2. The Managing Director,
Papanasam Cooperative Urban Bank Limited,
Papanasam,
Thanjavur District.

+1cc to The Spl. Government Pleader Sr.No.49560

+1cc to Mr. D.Shanmuagaraja Sethupathi, Advocate Sr.No.49444

KMI

VB/SV/MMS/SAR3/03/05/2018/2P/5C

ORDER MADE IN
W.P. (MD) No. 2821 of 2018
and
W.M.P. (MD). No. 2970 of 2018
16.02.2018