



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.190 of 2014

and

M.P. (MD) .No.1 of 2014

Veeraraj

... Appellant/Petitioner

vs.

The Special Officer/
Joint Registrar,
Ramanathapuram District,
Central Co-operative Bank,
Vandikara Street,
Ramanathapuram.

... Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order, dated 24.09.2010 made in W.P.(MD).No.11681 of 2009.

Prayer in WP(MD). 11681/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIIFIED MANDAMUS, call for the records pertaining to the order in Na.Ka.000153/2003/e1 dated 28-06-2003 and quash the same and consequently direct the respondent to pay the earned leave eligible to the petitioner.

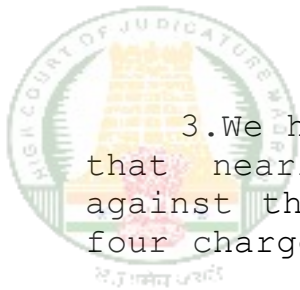
For Appellant : Mr.V.O.S.Kalaiselvam
For Respondent : Mr.D.Shanmugaraja Sethupathi

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**]

Heard Mr.V.O.S.Kalaiselvam, learned counsel for the appellant and Mr.D.Shanmugaraja Sethupathi, learned counsel for the respondent.

2.This appeal is directed against the order in W.P.(MD) No.11681 of 2009, dated 24.09.2010. The writ petition was not dismissed on merits, but on the ground that it is not maintainable.



3. We have considered the submission on either side and we find that nearly 20 years, the Disciplinary Proceedings initiated against the petitioner has not been concluded. In respect of the four charges, the petitioner has been exonerated.

4. The learned counsel for the respondent would submit that in respect of the fifth charge, action could not be initiated, since the Bifurcation of the Ramanathapuram District Central Co-operative Bank after formation of Sivagangai District. In our considered view, the period of 20 years during which, all the proceedings were pending, is a sufficient punishment on the appellant. Therefore, it is high time, the respondent shall close all the proceedings and sanction the retirement benefits payable to the petitioner.

5. It is submitted by the respondent that except for the Earned Leave, all other benefits have been settled after the appellant was exonerated from the four charges. So far as one of the charge, which is still pending, considering the long lapse of time, as the allegations pertain to certain incident which occurred in the year 1996, we direct the respondent to close the proceedings and sanction the leave salary payable to the petitioner and pay the same within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

The Special Officer/
Joint Registrar,
Ramanathapuram District,
Central Co-operative Bank,
Vandikara Street,
Ramanathapuram.

- +1. C.C. to M/S.V.O.S.KALAISELVAM, Advocate, SR.No.55770.
- +1. C.C. to M/S.D.SHANMUGARAJA SETHUPATHI, Advocate, SR.No.55392.

W.A.(MD) No.190 of 2014
14.03.2018