



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 19536 of 2014

WEB COPY

Murugesan

.. Petitioner

Vs.

1. The Registrar of Cooperative Societies,
M.V.Natarajan Maaligai,
170, Periyar E.V.R.High Road,
Kilpauk, Chennai-10.

2. The Joint Registrar of Cooperative
Societies-cum- Managing Director,
Dindigul Central Cooperative Bank,
Cooperative Nagar,
Thiruchirapalli Road,
Dindigul-05.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse Rs.50,435/- with 18% interest from the date of the petitioner's retirement i.e., 30.06.2011 accrued to him towards his Earned Leave Salary by considering his representation dated 28.12.2013 withing a stipulated time as may be fixed by this Court.

For Petitioner	: Mr. S.Balakarthick
For Respondent No.1	: Mr.J.Gunaseelan Muthiah Additional Government Pleader
For Respondent No.2	: Mr.D.Shanmugaraja Sethupathi

ORDER

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

2. The petitioner retired as an employee of the Dindigul Central Cooperative Bank. On 30.06.2011, he reached the age superannuation and he was allowed to retire without prejudice to the pendency of CC.No.13 of 2005 on the file of the Judicial Magistrate-III, Madurai.

3. The learned Counsel appearing for the petitioner submits that though he has since been discharged from the aforesaid criminal case, but the sum of Rs.50,435/- payable to him towards Earned Leave salary has not yet been disbursed.



4. The Standing Counsel appearing for the second respondent submits that the petitioner owes to pay certain sum of Rupees to the Society and that therefore the Earned Leave salary has been adjusted towards the liability.

5. Heard the learned Counsel on either side.

6. The question is whether any order of recovery was passed against the petitioner, after holding due enquiry. There is no answer in the counter affidavit. All that the learned Standing Counsel would contend is that the order rejecting the request of the petitioner was passed on 07.03.2014. This order passed after the retirement of the petitioner cannot be taken note of. The learned counsel for the petitioner would point out that the said order copy was not even served on him. That is why, he filed the present writ petition in the nature of writ of Mandamus.

7. In as much as, the petitioner was allowed to retire and since he has also been discharged from criminal case which he was facing at the time of retirement and since no order of recovery was passed against the petitioner before his retirement, this Court has to necessarily allow this writ petition and direct the second respondent to disburse the said sum of Rs.50,435/- within a period of six weeks from the date of receipt of a copy of this order.

8. This Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1.The Registrar of Cooperative Societies,
M.V.Natarajan Maaligai,
170, Periyar E.V.R.High Road,
Kilpauk, Chennai-10.

+1CC to Mr.D.Shanmugaraja Sethupathi, Advocate, SR.No.46743

+1CC to the Special Government Pleader SR.No. 46398

W.P. (MD) No. 19536 of 2014
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KMI

VE/SV MMS/SAR 4/11.06.2018/2P/4C