



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13895 of 2017

D.Immanvel

... Petitioner

Vs.

1.The Joint Registrar of Co-operative
Societies,
Tuticorin, Tuticorin District.

2.The Managing Director,
(Deputy Registrar of
Co-operative Societies)
0726 The Prakasapuram
Co-operative Urban Bank Ltd.,
Prakkasapuram 628 616,
Tuticorin District.

3.0726 The Prakasapuram
Co-operative Urban Bank Ltd,
Prakasapuram 628 616,
Tuticorin District,
Rep. by its President.

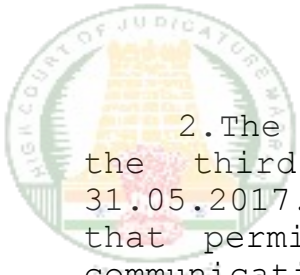
...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to instruct the second and third respondents to pay the petitioner's retirement and other applicable benefits to the petitioner with interest by considering the petitioner's representations dated 12.06.2017 and 23.06.2017 on merits and in accordance with law. Within the period that may stipulated by this court.

For Petitioner : Mr.M.Jerin Mathew
for Mr.M.E.Ilango

For Respondents : Mr.D.Muruganandhan,
Addl. Government Pleader

ORDER



2.The petitioner was working as Assistant General Manager in the third respondent society. He retired from service on 31.05.2017. In the order allowing him to retire, it is mentioned that permission to retire is granted without prejudice to the communication dated 23.05.2017 issued by the second respondent/Deputy Registrar of Co-operative Societies, Thiruchendur. Till date, the petitioner has not been issued with any charge memo. The petitioner's retirement benefits were not settled till date. Hence, this writ petition has been filed.

3.The learned counsel appearing for the petitioner drew the attention of this Court to the Full Bench decision of this Court reported in 2015 (4) CTC 1 (*S.Andiyannan Vs. The Joint Registrar, Co-operative Societies, Madurai*).

4.The issue on hand is squarely covered by the said decision. In the said decision it was held that disciplinary action proceedings cannot be continued against an employee of the Co-operative Society in the absence of service rules enabling the disciplinary authority to continue the disciplinary proceedings even after retirement. In the present case, till date the charge memo has not been issued. It has not been shown as to whether the special bye-laws or service rules enable the management to continue such proceedings.

5.Therefore, the case of the petitioner has to be necessarily allowed. A direction is given to the respondents to disburse the petitioner's retirement and other applicable benefits within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (crl.side)

/True Copy/

Sub Assistant Registrar

To

1.The Joint Registrar of Co-operative Societies,
Tuticorin, Tuticorin District.

2.The Managing Director, (Deputy Registrar of Co-operative Societies) 0726 The Prakasapuram Co-operative Bank Ltd.,
Prakasapuram 628 616, Tuticorin District.

3. The President, 0726 The Prakasapuram Co-operative Urban Bank Ltd,
Prakasapuram 628 616, Tuticorin District,

+1CC to Mr. M.E.Ilango, Advocate (SR 53224) SKM

RL/KK/SAR1/28.04.2018/3P/5C