



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A(MD)Nos.1179 of 2011 and 584 of 2018
and M.P.No.1 of 2011 and C.M.P(MD)No.3284 of 2018

W.A.No.1179/2011

The Special Officer
Q 510 Savariyarpuram
Primary Agricultural Cooperative Bank
Kadaladi Taluk
Ramanathapuram District.

...Appellant

vs.

1. P.Soosaimanickam
2. The Joint Registrar of Cooperative Societies, Ramnad Region, Ramanathapuram Post & District.
3. The Deputy Registrar of Cooperative Societies, Paramakudi Circle, Ramanathapuram District.

... Respondents

W.A.No.584/2018

P.Soosaimanickam

...Appellant

vs.

1. The Joint Registrar of Cooperative Societies, Ramnad Region, Ramanathapuram Post & District.
2. The Deputy Registrar of Cooperative Societies, Paramakudi Circle, Ramanathapuram District.
3. The Special Officer
Q 510 Savariyarpuram
Primary Agricultural Cooperative Bank
Kadaladi Taluk
Ramanathapuram District.

... Respondents



Prayer : Writ Appeals filed under Clause 15 of Letters Patent against the order made in W.P.(MD) No.9355/2008 dated 30.06.2011.

Prayer in WP(MD) . 9355/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records relating to the order dated 31.7.2008 passed by the 1st respondent in R.P.No.13/2008 confirming the order of dismissal passed by the 2nd respondent in his proceedings Na.Ka.No.5602/ dated 18.11.2005 and quash the same as illegal and consequently to direct the respondents to reinstate the petitioner in service in the 3rd respondent Bank with backwages, continuity of service and all other attendant benefits.

W.A.No.1179/2011

For Appellant : Mr.M.Saravanakumar
For Respondents : Mr.A.K.Baskarapandian
Spl. Govt. Pleader for R2 and R3
Mr.Mohammed Imran for
M/s.Ajmal Associates

W.A.No.584/2018

For Appellant : Mr.Mohammed Imran for
M/s.Ajmal Associates
For Respondents : Mr.A.K.Baskarapandian
Spl. Govt. Pleader for R1 and R2
Mr.M.Saravanakumar for R3

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

As the issues involved in both the writ appeals are emanated from the order passed by the learned Single Judge in W.P.(MD) No.9355/2008, dated 30.06.2011, they have heard together and disposed of by this common judgment.

2. For the sake of brevity, the writ petitioner is called as appellant and the appellant in W.A(MD) No.1179/2011 is called as third respondent.

3. The appellant was appointed as a Secretary on 01.07.1991 in the third respondent Society. After 24 years, he was terminated from service vide order dated 18.11.2005 on the ground that he was over-aged at the time of initial appointment. The learned single Judge was pleased to allow the writ petition in part holding that he would have attained the age of superannuation on 31.05.2009 itself and for the no fault of him, he cannot be penalised. The applicability of Rule 149(1) of the Tamil Nadu Cooperative Society Rules, 1988 was also considered by holding that the Deputy Registrar as per the directions of the Division Bench of this Court should decide as to whether recruitment made between 09.07.1980 to 11.03.2001 was followed in terms of Rules, after the said byelaws were approved. Therefore, it was held that the judgment of the Division Bench will not stand in the way of the appellant getting



the leave. Incidentally by molding it, the learned single Judge was pleased to direct the respondents to pay the gratuity for the services rendered.

4. On a perusal of the above said order, we do not find any error warranting interference. Insofar as the appellant is concerned, there is a lacuna and he would have attained the age of superannuation on 31.05.2009. Thus, by taking into consideration the facts of the case, the learned single Judge granted relief in part. The learned counsel for the appellant also submitted that he is not pressing the appeal filed by him.

5. While so, as far as the appeal filed by the third respondent is concerned, it appears that the appellant has not deposited his gratuity amount, while working as a Secretary to the Provident Fund Federation. Perhaps, he was unable to do so, because he was terminated by that time. Therefore, we are of the view that order passed by the learned single Judge requires modification to that extent. While quantifying the amount of gratuity payable to the appellant, the amount, which he ought to have deposited to the federation, has to be adjusted. Similarly, the liability of the appellant to pay any other amount, which is in the nature of dues can also be deducted.

6. Thus, with the aforesaid observations, these appeals stand disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

7.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

RR

To

1. The Joint Registrar of Cooperative Societies, Ramnad Region, Ramanathapuram Post & District.
2. The Deputy Registrar of Cooperative Societies, Paramakudi Circle, Ramanathapuram District.
3. The Special Officer, Q10, Savariyar pattinam, Primary Agricultural Co-operation Bank Ltd, Kadaladi Taluk, Ramanathapuram District.



+1cc to Spl Government Pleader, SR No.82210

+1cc to M/S.Ajmal Associates, SR No.82295

+1cc to Mr.M.Saravana Kumar, SR No.81828

WEB COPY

W.A(MD)Nos.1179 of 2011 and 584 of 2018
and M.P.No.1 of 2011 and C.M.P(MD)No.3284 of 2018

NM/RSK/SAR 2/03.10.18/4P/7C