

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29151 of 2018

C.Padmanathan

... Petitioner

..Vs..

- 1.The Joint Registrar of Co-operative Societies,
Cuddalore Region,
Saravanabhava Co-operative Wholesale Stores Campus,
3, Beach Road,
Cuddalore - 607 001.
- 2.The Deputy Registrar of Co-operative Societies,
Virdhachalam Circle,
Junction Road,
Vridhachalam.
- 3.The Deputy Registrar of Co-operative Societies,
(Public Distribution System)
Saravanabhava Co-operative Whole Sale Stores Campus,
3, Beach Road,
Cuddalore - 607 001. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing respondents to permit the petitioner to retire from the service of Co-operative Sub Registrar and consequently pay all his benefits from the date of suspension i.e., 27.05.2016.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.L.P.Shanmugasundaram
Special Govt.Pleader (Co-op)

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to permit the petitioner to retire from the service as Co-operative Sub Registrar and consequently pay all his terminal and pensionary benefits.

2.The writ petitioner joined in the Co-operative department in the cadre of Junior Inspector on 05.02.1988. The writ petitioner was promoted up to the cadre of Co-operative Sub-Registrar and placed under suspension on the eve of his retirement. The writ petitioner was placed under suspension on account of the fact that a criminal case was pending against him in Crime No.1 of 2015 in C.C.No.114 of 2015. This apart, surcharge proceedings were also initiated against the writ petitioner under Section 87 of the Tamil Nadu Co-operative Societies Act.

3.The grievances of the writ petitioner is that the criminal case registered against him was disposed of and the writ petitioner was discharged from the criminal case in Crl.R.P.No.23 of 2016 dated 25.07.2017. This apart, the surcharge proceedings were also dropped by the Special Co-operative Tribunal in C.C.M.A(CS)No.3 of 2015 dated 07.09.2016. Thus, the writ petitioner was exonerated from both the criminal charges as well as the surcharge proceedings.

4.The learned counsel appearing on behalf of the writ petitioner states that in view of the fact the writ petitioner was exonerated from both the criminal charges as well as the surcharge proceedings, he is entitled for retirement and other terminal benefits. Even though, the retirement and terminal benefits are not settled till today. Thus, the writ petitioner is constrained to move the present writ petition.

5.The learned Special Government Pleader appearing on behalf of the respondents is assisted by the Joint Registrar of Co-operative Societies Smt.B.Renugambal, Cuddalore Region, who appeared in person. Though the learned Special Government Pleader states that the Competent Authority had written a letter to the Commercial Crime Investigation Wing seeking clarification whether any appeal was filed against the order passed in Crl.R.P.No.23 of 2016, it is stated that no reply has been received from the Competent Authority for more than two years. Thus, the respondent was not in a position to take any action.

6.This Court is of the considered opinion that the Authorities Competent in such cases are bound to ensure that actions taken are concluded without any undue delay on retired Co-operative Sub-Registrar from Co-operative Department and his claim for terminal and retirement benefits may also be considered after disposal of the criminal case as well as the surcharge proceedings. Under these circumstances, the Authorities Competent are expected to initiate speedy action for the settlement of the terminal and retirement benefits.

7. The learned Special Government Pleader made a submission that there is a delay on the part of the CCIW Authority to furnish reply. Such an answer given by the learned Special Government Pleader cannot be accepted. It is the duty mandatory on the part of the authorities to ensure that the actions are initiated as expeditiously as possible, more specifically, in the matter of settlement of terminal and retirement benefits and the same shall be considered without any delay. Otherwise, it would cause prejudice to the interest of the retired employees at the old-age and it may be difficult for them to settle their lives. Thus, the authorities must be vigilant in respect of the settlement of terminal and retirement benefits. Any administrative delay must be viewed seriously and under these circumstances, the respondents are unable to provide any convincing reason for the administrative delay in getting a reply from the CCIW and the writ petitioner had already submitted a copy of the order passed by the High Court in CrI.R.P.No.23 of 2016 as well as the order passed in the C.C.M.A (CS).No.3 of 2015, in respect of the surcharge proceedings. When the aggrieved persons submitted a copies of the orders of the Court, it is the duty of the competent officials to ensure the genuinity of the same and accordingly, settle the terminal benefits without causing any undue delay.

8. May that it be, this Court is of an opinion that now there is no impediment for the authorities competent to settle the terminal and pensionary benefits by allowing the writ petitioner to retire from service. Accordingly, the respondents are directed to issue suitable orders permitting the writ petitioner to retire from service from the actual date of his retirement and consequently settle the terminal and pensionary benefits within a period of 12 weeks from the date of receipt of a copy of this order.

9. The writ petitioner is directed to cooperate for the earlier settlement of the pensionary benefits by submitting all necessary documents or forms, whichever is necessary.

10. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Joint Registrar of Co-operative Societies,
Cuddalore Region,
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Saravanabhava Co-operative Whole Sale Stores Campus,
3, Beach Road,
Cuddalore - 607 001.

+1cc to the Special Government Pleader Sr.38130
+1cc to Mr.D.Baskar, Advocate Sr.37194

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srg 12/06/2019



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