



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.16858 of 2014

Kavitha

... Petitioner

-Vs-

1. Srirangam Co-operative Urban Bank Limited,
Srirangam, Represented by its General Director,
Srirangam Co-operative Urban Bank Limited,
Srirangam, Trichy.

2. The Joint Director,
Co-operative Societies,
Kajamalai, Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the P.F. Contribution amount made by the petitioner's husband to his legal heirs.

For Petitioner : Mr.S.Muthukrishnan

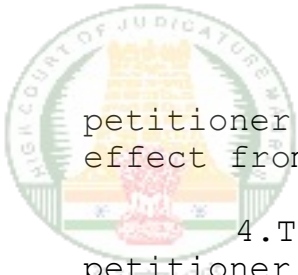
For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader.

ORDER

The relief as such sought for the in the present Writ Petition is for a direction to direct the respondents to pay the Provident Fund Contribution amount made by the writ petitioner's husband to his legal heirs.

2.The writ petitioner is the wife of the employee, who served as Secretary in the first respondent Co-operative Urban Bank Limited.

3.The learned counsel appearing on behalf of the writ petitioner states that on account of statutory enquiry report submitted by the competent authority under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act'), charge memo was issued to the husband of the writ



petitioner and subsequently, he was dismissed from service with effect from 13.02.2003.

4.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is claiming the contribution of the employee concerned and she is not asking any terminal or pensionary benefits.

5.Under these circumstances, this Court is of the considered opinion that an employee dismissed from service is eligible to receive contribution amount as per the rules in force and as per the terms and conditions. However, the present Writ Petition is filed against the first respondent Co-operative Urban Bank Limited, which is not a "State" within the meaning of Article 12 of the Constitution of India. This apart, the issues are to be adjudicated, in view of the fact that the husband of the writ petitioner was dismissed from service. Therefore, such disputed issues cannot be adjudicated in a Writ proceedings. Thus, the competent authorities must adjudicate all these issues and thereafter, take a decision with reference to the entitlement of the writ petitioner to get back the contribution amount made by the husband of the writ petitioner.

6.Under these circumstances, the writ petitioner has to exhaust the remedies provided under the Act for the purpose of adjudicating the issues with reference to the documents and by adducing evidences, if required.

7.This being the factum, the writ petitioner is at liberty to approach the competent authority under Section 153 of the Act by filing a Revision Petition under the prescribed format by paying necessary fees and in the event of filing any such petition, the competent authority shall adjudicate the same on merits and in accordance with law by affording opportunity to the writ petitioner and to the first respondent and thereafter, pass orders on merits and in accordance with law.

8.With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. Srirangam Co-operative Urban Bank Limited,
Srirangam, Represented by its General Director,
Srirangam Co-operative Urban Bank Limited,
Srirangam, Trichy.

2. The Joint Director,
Co-operative Societies,
Kajamalai, Tiruchirappalli.

+1 CC to M/s.S.MUTHU KRISHNAN, Advocate (SR-78339[F] dt.29/07/2019)

+1 CC to M/s.SPL GP (SR-78540[F] dated 30/07/2019)

W.P. (MD) No.16858 of 2014
29.07.2019

Myr

JMN (09.08.2019) 3P : 5C