



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20616 of 2019

Senthamaraiselvi

... Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies,
Trichirappalli, Kajamalai,
Trichirappalli.

2.The Deputy Registrar of Co-operative Societies,
Musiri Circle, Musiri,
Trichy District.

3.The R.1619 Tholurpatti Primary Agriculture
Co-operative Credit Society,
Represented by its President,
Tholurpatti, Thottiyam Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the petitioner's retirement benefits within the time frame fixed by this Court on the basis of the petitioner's representation dated 03.10.2017.

For Petitioner : Mr.T.Vaidevelan

For Respondents : Mr.S.Dhayalan,
Government Advocate.

ORDER

Heard Mr.T.Vaidevelan, learned counsel appearing on behalf of the petitioner and Mr.S.Dhayalan, learned Government Advocate, who takes notice on behalf of the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition is filed for a direction to the respondents to disburse the petitioner's retirement benefits, on the basis of the petitioner's representation, dated 03.10.2017.

4.According to the petitioner, while she was working as Sales Women in the third respondent Society, the second respondent has initiated a proceeding, dated 17.04.2010, for conducting an enquiry in the third respondent society under Section 81 of the Tamil Nadu Co-operative Society Act (hereinafter referred to as 'the Act') for the charges on the reduction of empty bag. The enquiry officer conducted an enquiry under Section 81 of the Act and filed report, recommending to initiate departmental disciplinary proceedings and



criminal proceedings against the petitioner. The Inspector of Police, Trichy, has registered a case in Crime No.05 of 2010, for the offences under Sections 408 and 477A IPC. In the mean time, the departmental enquiry was conducted and punishment of stoppage of increment with cumulative effect was imposed. Pending criminal case, the petitioner attained the age of superannuation on 31.03.2013. The third respondent permitted the petitioner to retire from service on 31.03.2013, without prejudice to the pending criminal case in C.C.No.99 of 2010. By judgment dated 30.08.2016, made in C.C.No.99 of 2010, the learned Judicial Magistrate, Musiri, directed that the petitioner should be under the supervision of a probation officer, for a period of 2 years, as per Section 4(1) of the Probation of Offenders Act, 1958. The said period was already completed on 30.08.2018. There is no bar in the Bye-law of the society to withhold the retirement benefits. After completion of criminal case, the petitioner sent various representations, lastly, on 03.10.2017. However, no order is passed on the representation. Hence, the petitioner has come out with the present Writ Petition.

5.The learned Government Advocate appearing for the respondents submitted that in view of the pendency of the criminal case and the punishment imposed on the petitioner, retirement benefits were not disbursed to the petitioner and prayed for dismissal of the Writ Petition.

6.From the materials on record, it is seen that the punishment imposed on the petitioner in the departmental disciplinary proceedings as well as the punishment imposed on the petitioner by the learned Judicial Magistrate, Musiri, in C.C.No.99 of 2010, dated 30.08.2016, were over and the petitioner was permitted to retire from service on 31.03.2013, without prejudice to the criminal case, as of now, no proceedings are pending against the petitioner. In view of the same, the petitioner is entitled for the relief sought for in the Writ Petition. Therefore, the respondents are directed to disburse all the eligible retirement benefits, payable to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Myr



To

1.The Joint Registrar of Co-operative Societies,
Trichirappalli, Kajamalai,
Trichirappalli.

2.The Deputy Registrar of Co-operative Societies,
Musiri Circle, Musiri,
Trichy District.

3.The President,
R.1619 Tholurpatti Primary Agriculture
Co-operative Credit Society,
Tholurpatti, Thottiyam Taluk,
Trichy District.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-89634[F] dated 26/09/2019)

+1 CC to M/s.GP (SR-89814[F] dated 26/09/2019)

Myr

W.P. (MD) No.20616 of 2019
25.09.2019

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