

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.25434 & 25435 of 2013
and
M.P.Nos.1 & 1 of 2013

Mr.G.Ranganathan .. Petitioner in WP.25434/2013

Santhamani .. Petitioner in WP.25435/2013

- Vs -

1.The Joint Registrar,
Tamil Nadu Co operative Societies,
Coimbatore.

2.The Deputy Registrar,
Tamil Nadu Co operative Societies,
Tiruppur.

3.The Special Officer,
NO.4511, V.Kallipalayam Primary
Agriculture Cooperate Bank,
Kallipalayam Post,
Palladam Taluk,
Tiruppur District.

.. Respondents in both Wps

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to provide retirement benefits and arrears of the salary to the petitioner.

For Petitioners: M/S.S.Kolandasamy

For Respondent: Mr.R.Bala Ramesh, Spl.GP (Co-OP) for RR1 & 2
: M/S.Aanadamoorthy for R3

COMMON ORDER

As the relief sought for in both the petitions are similar, they are disposed of by this common order.

2.The case of the petitioner in WP.25434/2013 was appointed as a Secretary in the 3rd Respondent Bank in the year 1972 and the petitioner in WP.25435/2013, was appointed as Sales Woman in the 3rd respondent bank in the year 1987 and later promoted as clerk in the year 1990 and then further promoted as Senior Clerk. While they were in service, there was misappropriation of the amounts and thereby the petitioners were temporarily suspended by the then President. Besides a criminal case was also filed against the petitioners in Cr.No.2/2019. Though the petitioners retired from service, however the terminal benefits are not settled due to non revocation of the suspension order. Aggrieved against the same, the petitioners have filed these writ petitions before this Court.

3.Though very many grounds have been raised in these writ petitions, however, when the matter is taken up, learned counsel appearing for the petitioners submitted that it would be suffice if this Court directs the respondents to provide the retirement benefits and arrears of salary within a particular time frame as fixed by this Court.

4. Per contra, learned counsel appearing for the respondents submitted that the petitioners are Husband and Wife, working as Secretary and Senior Clerk in the 3rd respondent society and that while in service, they had were misappropriated about Rs.10 Lakhs and odd and the said amount was not deposited and, therefore, surcharge proceedings were initiated against the petitioners as well as a criminal case was lodged against them. In the mean while, the petitioners were terminated by concluding departmental enquiry on 23.09.2019 without challenging the termination also, mandamus cannot be issued. Hence the prayer in these two writ petitions cannot be granted.

5.This Court heard the submissions advanced by both learned counsel and perused the materials available on record.

6.Considering the facts and circumstances of the case, it appears that the petitioners did not challenge the termination order, but merely filed these writ petitions with the above said prayer, which is per se impermissible. Without challenging the orders of termination, it is not open to the petitioners to come before this Court for a direction to the respondents to settle the terminal benefits. In such view of the matter, these writ petitions are dismissed. However liberty is granted to the petitioners to work out their remedies before the appropriate forum in a manner known to law. Further, the 3rd respondent is directed to communicate the order of termination to the

petitioners forthwith, if not already communicated. No costs.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (ADI MDU)

//True copy//

Sub Assistant Registrar

jrs

To

- 1.The Joint Registrar,
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Coimbatore.
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W.P. Nos.25434 & 25435 of 2013

SVI (CO)
GMY (11/09/2020)

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