

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.25440 of 2013
and
M.P.No.1 of 2013

J.Rajagopal

.. Petitioner

- Vs -

1.The Registrar of Co operative Societies,
O/o.The Registrar of Cooperative Societies,
No.170, Periyar E.Ve.Ra.High Road,
Kilpauk,
Chennai 600 010.

2.The Joint Registrar of Coopeative Societies,
Charging Cross,
Udhagamandalam 643 001,
Nilgiris District.

3.The Special Officer,
The Nilgiris Central Co operative Bank Ltd,
Post Box No.47, Charing Cross,
Udhagamandalam 643 001,
Nilgiris District.

.. Respondents

Prayer : Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 1st respondent to pass an order directing the 3rd respondent to pay Ex-Gratia Pension (Ex-Gratia payment) to the petitioner along with interest at the rate of 24% per annum with effect from date of retirement of the petitioner i.e., from 30.10.2004.

For Petitioner : Mr.S.Saravanan

For Respondents: Mr.L.P.Shanmugasundaram, Spl.G.P
for (Co op).

ORDER

It is the case of the petitioner that he was initially appointed as a Senior Clerk and then promoted as the Assistant Manager in the 3rd respondent bank and rendered about 30 years of

service. Whiles, certain charges of misappropriation were framed against him and some persons particularly from the period 1993 to 2000 when the petitioner was working in Manjoor branch and thereafter disciplinary proceedings were also initiated.

2. The grievance of the petitioner is that the petitioner was dismissed from service by an order dated 30.10.2004 i.e., the last date of his retirement and that his retirement benefits and backwages have not been paid. Challenging the said act of 3rd respondent, the petitioner preferred an appeal before the Deputy commissioner of Labour, Cunnor and by order dated 30.10.2004, the order of dismissal was set aside. In the meanwhile, the surcharge amount was also recovered from the petitioner for the financial loss incurred at the Manjoor Branch. As per G.O.Ms.160, Food Cooperative and Consumer Protection Department, the petitioner is entitled for getting ex-gratia pension, but it was denied by the 3rd respondent so far, and hence left with no other option the petitioner is before this court by filing this writ petition.

3. Though very many grounds have been raised in the writ petition, however, when the matter is taken up, learned counsel appearing for the petitioner submitted that without going into the merits of the issue, it would suffice if this Court issues a direction to the respondents to consider the representation made by the petitioner on 15.12.2012 and pass orders within a particular time frame.

4. Per contra the learned Special Government Pleader submitted that apart from surcharge proceedings, a criminal case was initiated against the petitioner and the surcharge amount was recovered. It is further submitted that the criminal case registered against the petitioner is pending. In view of the above the petitioner's prayer was not considered. In the above backdrop, it is submitted that this Court may issue a direction to the respondents to consider the representation of the petitioner within a time frame fixed by this Court.

5. This Court heard the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

6. Though very many contentions have been raised, in view of the limited relief sought for, this Court without going into the merits of the issue, this Court directs the petitioner to submit a fresh representation along with a copy of this order to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and on such representation being filed, the first respondent is directed to consider the same and pass thereon in accordance with law within a period of three months thereafter.

7. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

jrs

To

- 1.The Registrar of Co operative Societies,
O/o.The Registrar of Cooperative Societies,
No.170, Periyar E.Ve.Ra.High Road,
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- 3.The Special Officer,
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Post Box No.47, Charing Cross,
Udhagamandalam 643 001,
Nilgiris District.

+1cc to Government Pleader (CO-OP), High Court, Madras
SR.No.25212

सत्यमेव जयते

W.P. NO.25440 /2013

MR (CO)
GMY (17/08/2020)

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