



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.13935 of 2013

S.Santhanam

... Petitioner

Vs.

1.The Joint Registrar/Administrator,
Pudukkottai District Central Co-operative Bank,
Pudukkottai, Pudukkottai District.

2.The Deputy Registrar Co-operative Society,
Society (Circle), Marthandapuram,
Pudukkottai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to permit the petitioner to retire from service by disbursing all the retiral and other consequential benefits and payable to the petitioner forthwith.

For Petitioner : Mr.S.Anwar Sameem

For R1 : Mr.K.Jayaraman

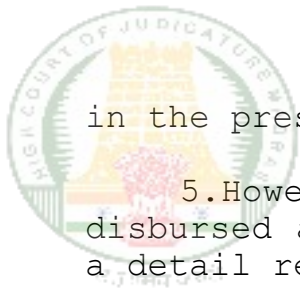
For R2 : Mr.D.Muruganandham,
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the first respondent to permit the petitioner to retire from service by disbursing all the retiral and other consequential benefits payable to the petitioner.

2.The petitioner was appointed as Cashier in the first respondent Central Co-operative Bank and departmental proceedings and surcharge proceedings were initiated. The learned counsel appearing for the petitioner states that the writ petitioner was exonerated from the surcharge proceedings and there is no other proceedings is pending, as of now.

3.However, counter affidavit filed by the respondent reveals the fact that the criminal case filed against the petitioner in crime No.5 of 2005, for the offence punishable under Sections 408, 465, 468, 471, 477(A) IPC is pending. Charge Sheet was also filed and the petitioner arrayed as seventh accused in the said criminal case. In view of the fact that the criminal case is pending, as of now, the petitioner cannot be allowed to retire from the service nor other benefits can be settled. Thus, the relief as such sought for



in the present writ petition cannot be granted.

5.However, admissible benefits as per the special Bylaws can be disbursed and in this regard, the petitioner is permitted to submit a detail representation to the competent Authorities.

6.With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl Side)

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Sub Assistant Registrar(CS)

gns

To

1.The Joint Registrar/Administrator,
Pudukkottai District Central Co-operative Bank,
Pudukkottai, Pudukkottai District.

2.The Deputy Registrar Co-operative Society,
Society (Circle), Marthandapuram,
Pudukkottai.

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sj (CO)

KK(28.10.2020) 2P 3C