



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.13204 of 2020

WEB COPY

R.Rajendran

...Petitioner

-Vs-

1.The State of Tamil Nadu

Rep. by its Secretary to Government,
Co-operation Food & Consumer Protection Department,
Secretariat,
Chennai-9.

2.The Registrar of Co-operative Societies,
O/o.the Registrar of Co-operative Societies,
No.170, NVN Maligai,
EVR, Periyar High Road,
Kelpauk,
Chennai.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 19.12.2019 to release the DCRG, Commutation, Pension and other retirement benefits taking into account of lapse in taking disciplinary proceedings in terms of Rule 9(2)(b)(ii) of the Tamil Nadu Pension Rules within the period that may be stipulated by this Court.

For Petitioner	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For Respondents	: Mr.G.Arjunan Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 19.12.2019 to release the DCRG, Commutation, Pension and other retirement benefits taking into account the lapse in taking disciplinary proceedings in terms of Rule 9(2)(b)(ii) of the Tamil Nadu Pension Rules, within the period that may be stipulated by this Court.

2. The petitioner was working as Deputy Registrar of Co-operative Societies and on superannuation, he retired on 30.11.2015 and that he was permitted to retire on that day, however, his service was retained under the Tamil Nadu Pension Rules, in view of



the disciplinary proceedings, which was pending against the petitioner, pursuant to the inspection report given under Section 82 of the Tamil Nadu Co-operative Societies Act. Thereafter, it seems that, the disciplinary proceedings has not shown any progress and according to the petitioner, no charge-memo, so far, has been served on the petitioner. In this context, relying Rule 9(2)(b)(ii) of the Tamil Nadu Pension Rules, the petitioner has given a representation to the respondents on 19.12.2019 to drop the disciplinary proceedings and to permit the petitioner to retire from service, accordingly his retiral benefits can be disbursed. In respect of this, since the representation of the petitioner dated 19.12.2019 has not so far been considered, the petitioner has approached this Court for the aforesaid prayer.

3. I have heard Mr.C.Venkatesh Kumar, learned counsel appearing for the petitioner, who would submit that, if the representation of the petitioner is directed to be considered, on merits and in accordance with law, by the respondents within the time frame to be stipulated by this Court, the petitioner would be satisfied.

4. I have heard Mr.G.Arjunan, learned Government Advocate appearing for the respondents, who would submit that, the said representation of the petitioner, dated 19.12.2019 would be considered by the respondents, on merits and in accordance with law and orders to that effect would be passed within the time frame to be stipulated by this Court.

5. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. I have perused the materials available on record.

6. Considering the limited scope of the prayer sought for by the petitioner in this writ petition, this Court is inclined to dispose of this writ petition with the following orders:-

"that the petitioner's representation dated 19.12.2019 shall be considered by the respondents, on merits and in accordance with law and accordingly, order shall be passed there on, within a period of eight (8) weeks from the date of receipt of a copy of this order."

7. With this direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government,
Co-operation Food & Consumer Protection Department,
Secretariat,
Chennai-9.

2.The Registrar of Co-operative Societies,
O/o.the Registrar of Co-operative Societies,
No.170, NVN Maligai,
EVR, Periyar High Road,
Kelpauk,
Chennai.

+1cc to SPL GP SR.NO.18939

Order made in
W.P. (MD) No.13204 of 2020
01.10.2020

VB (07.01.2021) 3P 4C