



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.844 of 2021

S.Santhanam

... Appellant/Petitioner

Vs.

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

2. The Deputy Registrar Co-operative Society,
Society (Circle),
Marthandapuram, Pudukottai. ... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.13935 of 2013, dated 14.10.2020.

Prayer in WP(MD). 13935 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st 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 Appellants : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.R.M.Anbunithi for R1
Mr.A.K.Manickam,
Standing Counsel for the
Government (for R2)

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.V.O.S.Kalaiselvam, learned counsel appearing for the appellant; Mr.R.M.Anbunithi, learned counsel appearing for the first respondent and Mr.A.K.Manickam, learned Government Counsel appearing for the second respondent.

2. This appeal filed by the appellant-writ petitioner is directed against the order and direction issued in W.P(MD).No.13935 of 2013, dated 14.10.2020.



3. The appellant sought for issuance of Writ of Mandamus to direct the first respondent to permit the appellant to retire from service. The learned Writ Court took into consideration the fact that already disciplinary proceedings were initiated and there is also a criminal case, which is pending against the appellant.

4. In any event, Writ of Mandamus cannot be issued to the respondents to permit the employee to retire from service, when there are other service matters which are pending. Therefore, the appellant should get himself exonerated of all allegations and thereafter plead a case for retirement, if it is not granted by the Management. Therefore, the learned Single Bench was rightly rejected the relief sought for by the appellant. Thus, we find no grounds to interfere with the order passed by the learned Single Bench.

5. Accordingly, this Writ Appeal stands dismissed. Further we note that the learned Single Bench has also issued direction to disburse the admissible benefits, we do not interfere with the same. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Joint Registrar/Administrator,
Pudukottai District Central Co-operative Bank,
Pudukottai, Pudukottai District.

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

+1 CC to M/s.V.O.S.KALAISELVAM, Advocate SR-19596[F] dated 18/06/2021
+1 CC to M/s.SPL GP (SR-19796[F] dated 21/06/2021)

W.A. (MD) No.844 of 2021

17.06.2021

PM(CO)

TR(28.06.2021) 2P 5C

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