



WEB COPY

W.A.(MD)No.93 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.M.SUNDRESH

W.A.(MD)No.93 of 2019

and

C.M.P.(MD)No.627 of 2019

The Managing Director,
Mookuperi Co-operative Urban Bank,
Mookuperi, Tuticorin District.

.. Appellant/3rd Respondent

Vs

1.D.Arulmani Koyilraj

2.The Joint Registrar of Co-operative Societies,
Tuticorin Region, Tuticorin District.

3.The Deputy Registrar of Co-operative Societies,
Tiruchendur, Tuticorin District. .. Respondents/Petitioners/
Respondents 1 & 2

PRAYER: Appeal filed under Clause 15 of the Letters Patent as
against the order dated 03.10.2018 made in W.P.(MD)No.20506 of 2018.

Prayer in WP(MD). 20506/ 2018 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Certiorarified Mandamus calling for the records pertaining to the
order passed by the 1st respondent in his proceedings in
Na.Ka.27/2018 Kava (1) dated 15.06.2018 and the subsequent order
passed by the 2nd respondent in his proceedings in
Na.Ka.75/2018/Nava dated 03.08.2018 and quash the same and direct
the respondents to settle the gratuity amount of Rs.3,40,393 with
interest at the rate of 24% with all consequential benefits to the
petitioner.

For Appellant

: Mr.G.Prabhu Rajadurai

For Respondents

: Mr.R.Paneerselvam
for R.1

Mr.P.Mahendran

Addl. Government Pleader

for R.2 & R.3



JUDGMENT

[Judgment of the Court was delivered by

THE HON'BLE CHIEF JUSTICE]

The short grievance of the appellant is that the appellant was not represented when the writ petition was taken up for disposal. The appellant says that in such circumstances, the appellant did not have an opportunity to indicate that the writ petitioner was not entitled to the enhanced gratuity, since the writ petitioner had retired prior to the enhancement being effected.

2. Since the writ petition appears, on the face of the impugned order dated 03.10.2018, to have been decided in the absence of the appellant herein, it is necessary that the appellant be afforded an opportunity to urge whatever grounds may be available to the appellant before the Court of the first instance.

3. As a consequence, the judgment and order impugned dated 03.10.2018, stand set aside and the matter is restored before the learned Single Judge to pass a reasoned order upon hearing both sides.

4. Accordingly, W.A.(MD)No.93 of 2019 is allowed and consequently, C.M.P.(MD)No.627 of 2019 is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

smn2/gk

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 of Co-operative Societies,
Tuticorin Region, Tuticorin District.
- 2.The Deputy Registrar of Co-operative Societies,
Tiruchendur, Tuticorin District.
- 3.The Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to SPL GP (SR-1141[F] dated
19/01/2021)

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate
(SR-1225[F] dated 19/01/2021)

W.A. (MD) No. 93 of 2019
18.01.2021

VB (03.02.2021) 3P 6C