



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.25105 of 2019

S.Thirumavalavan

... Petitioner

Vs.

The Managing Director,
Tamil Nadu Co-operative State Agriculture &
Rural Development Bank Ltd,
Mylapore,
Chennai - 600 004.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to take immediate steps to disburse the terminal monetary benefits such as Gratuity, Provident Fund, Leave Salary, etc., & EPF Pension, in view of the order passed by the respondent dated 27.07.2018 thereby permitted the petitioner to retire from service, by calculating 12% of interest from the date of his actual retirement on 31.10.2017 until the date of disbursement by considering his representations dated 03.01.2018, 16.10.2018, 02.12.2018, 30.01.2019, 06.03.2019, 04.05.2019, 14.10.2019 & 07.11.2019 within the period as stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu
For Respondents : Ms.J.Anandhavalli

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondent to take immediate steps to disburse the terminal monetary benefits such as Gratuity, Provident Fund, Leave Salary, etc., & EPF Pension, in view of the order passed by the respondent dated 27.07.2018 thereby permitted the petitioner to retire from service, by calculating 12% of interest from the date of his actual retirement on 31.10.2017 until the date of disbursement by considering his representations dated 03.01.2018, 16.10.2018, 02.12.2018, 30.01.2019, 06.03.2019, 04.05.2019, 14.10.2019 & 07.11.2019 within the time frame as stipulated by this Court.



2. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was appointed as an Assistant on 01.10.1986 in the respondent bank through employment exchange. He was promoted as Assistant Manager and also promoted as Manager on 04.11.1998 and finally promoted as Deputy General Manager on 08.07.2015. While working as such on 17.05.2016, the respondent issued order suspending the petitioner from service on the ground that an enquiry into grave allegations pertaining to the illegal recovery of huge amount from the arrears of the salary paid to the staff of Tamil Nadu Co-operative State Agriculture and Rural Development Bank in the month of December 2014.

4. Be that as it may, when he was working as a Manager in the Respondent bank, later by proceedings dated 21.07.2016, the respondent passed order revoking the suspension of the petitioner with effect from 20.07.2016 and posted him at respondent bank without prejudice to the enquiry initiated against him. Thereafter, neither a charge memo nor any disciplinary proceedings were initiated against the petitioner until the date of his superannuation on 31.10.2017. During the interregnum period, the respondent passed an order dated 08.09.2017 regularizing his suspension period and allowed 65 days as earned leave. While so on the date of superannuation, i.e. on 31.10.2017, the respondent suspended the petitioner again for the same allegations for a period of 6 months or until the completion of enquiry proceedings. Thereafter, by order dated 26.04.2018, the respondent extended the suspension till 31.7.2018. While so, on 27.07.2018 the respondent has passed order permitting the petitioner to retire from service with effect from 31.10.17 by revoking the order of suspension. The grievance of the petitioner is that for nearly more than a year, he has not been provided with terminal and pensionary benefits which legally he is entitled to. Therefore, the petitioner made several representations, dated 03.01.2018, 16.10.2018 and 07.11.2019 etc. to consider his claim to disburse the terminal monetary benefits such as gratuity, provident fund, leave salary etc. However, despite his representations since no action is forthcoming, the petitioner has come forward with the present Writ Petition.

5. The learned counsel appearing for the respondent would submit that the representation of the petitioner would be considered if there is no legal impediment, in accordance with law and within a reasonable time granted by this Court.

6. Considering the facts and circumstances, admittedly, after revoking the suspension order, the petitioner was permitted to retire from service. Therefore, without expressing any opinion on merits, this Court directs the respondents to consider the representation of the petitioner dated 07.11.2019 and dispose of the same in accordance with law and on merits, within a period of 8 weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (AD II)

WEB COPY // 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

The Managing Director,
Tamil Nadu Co-operative State Agriculture &
Rural Development Bank Ltd,
Mylapore,
Chennai - 600 004.

+1 CC to M/s.J.ANANDHAVALLI, Advocate(SR-28857[F] dated
13/09/2021)

+1 CC to M/s.J.ANANDHAVALLI, Advocate(SR-28625[F] dated
08/09/2021)

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MGJ(29.09.2021) 3P 4C