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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.479 of 2010 and M.P. No.1 of 2010

Karambakkudi Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
rep. by its Special Officer,
Karambakkudi - 622 302,
Pudukkottai District.

... Appellant/ Petitioner

vs

1.The Assistant Commissioner of Labour,
Kajamalai Colony,
Mannarpuram,
Tiruchirappali-20.

2.R.Ramadass

... Respondents/ Respondents

Prayer: Writ Appeal filed under clause 15 of the Letters Patent Act against the order dated 16.12.2009 made in W.P. No.38185 of 2003 on the file of this Court.

Prayer in WP.No.38185 of 2003: Petition filed under Article 226 of the Constitution of India Praying for the issuance of a certiorari calling for the records of the 1st Respondent on the file of P.S.A.No.32/2022 dated 16.07.2003 and quash the same.

For Appellant : Mr.R.Parthiban

For Respondents: Mr.R.Siddharth,
Government Advocate for R1

Mr.S.Vijayan for R2

JUDGMENT

[Judgment of this Court was delivered by T.RAJA, J.]

Karambakkudi Co-operative Primary Agricultural and Rural Development Bank Ltd., rep. by its Special Officer, Pudukkottai District has brought this appeal questioning the correctness of



the impugned order dated 16.12.2009 made in W.P. No.38185 of 2003, in which, the learned Single Judge, while dismissing the petition, has observed that there was no illegality or impropriety on the second respondent, claiming a sum of Rs.1,35,528.25 as subsistence allowance from 31.10.2000 to 06.12.2001 and directed the appellant to make payment to the second respondent.

2.Learned counsel appearing for the appellant submitted that the second respondent workman was placed under suspension, just one day before reaching the age of superannuation and therefore, he filed a writ petition in W.P. No.6367 of 2011 before the Madurai Bench of Madras High Court and the same came to be disposed of. Learned counsel appearing for the appellant further submitted that since he got no instruction from the appellant, it is not known anything survive in this appeal.

3.It is a well settled legal position that suspension beyond superannuation does not exist, however, the department can proceed against the suspended employee by initiating the surcharge proceedings. In this case, charge memo was issued and domestic enquiry was also conducted and final order was also passed by the appellant on 30.11.2001 recovering a sum of Rs.5,05,042/- from the second respondent towards the loss caused by him to the appellant Bank.

4.Recording the submission made by the learned counsel appearing for the appellant, the appeal stands dismissed as the appellant is not interested to prosecute the appeal. Consequently, M.P. No.1 of 2010 stands closed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

vga

To

The Assistant Commissioner of Labour,
Kajamalai Colony,
Mannarpuram,
Tiruchirappali-20.

+1cc to the Government Pleader, S.R.No.8312

W.A.No.479 of 2010 and M.P. No.1 of 2010

JPL(CO)
SB(03/03/2022)