

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-07-2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.298 OF 2015

AND

M.P.NOS.1 TO 3 OF 2015

R.Sivasamy

... Petitioner

.Vs.

1. The Principal Secretary to Government,
Cooperation, Food and Consumer
Protection Department,
Fort St. George,
Chennai - 9.

2. The Registrar of Cooperative Societies,
Kilpauk, Chennai - 10.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned Letter No.5375/CL1/2006-18, dated 01.11.2010 passed by the first respondent and quash the same and consequently directing the respondents to disburse the retirement benefits to the petitioner as per judgment delivered by the Hon'ble Supreme Court in C.A.No.6770 of 2013, dated 14.08.2013.

For Petitioner : Mr.C.Prakasam

For Respondents : M/s.S.Anitha
Special Government Pleader

O R D E R

The charge memo dated 01.11.2010 issued by the first respondent-Government, is under challenge in the present writ petition.

2. The writ petitioner was holding the post of Cooperative Sub Registrar and the impugned charge memo has been issued by the first respondent in proceedings dated 01.11.2010.

3. The counter-affidavit filed by the respondents reveals that the petitioner has failed to inform about the pendency of another disciplinary case initiated against him under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, by the Joint Registrar of Cooperative Societies, Tiruchirappalli in charge memo dated 23.09.2009. Now that the said disciplinary case has been disposed of by the Government in G.O.(D) No.98, Cooperation, Food and Consumer Protection Department, dated 09.03.2016. Therefore, the pension and death-cum-retirement gratuity will be disbursed by the second respondent to the petitioner.

4. As far as the impugned charge memo dated 01.11.2010 is concerned, the counter-affidavit filed by the respondents reveals that the first respondent had dropped the charge memo dated 01.11.2010 in G.O.(2D) No.35, Cooperation, Food and Consumer Protection Department, dated 05.02.2015.

5. In view of the fact that the impugned charge memo had already been dropped and the another disciplinary proceeding was disposed of, there is no impediment for the settlement of terminal and pensionary benefits to the writ petitioner.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Principal Secretary to Government,
Cooperation, Food and Consumer
Protection Department,
Fort St. George,
Chennai - 9.

2. The Registrar of Cooperative Societies,
Kilpauk, Chennai - 10.

+1cc to the Government Pleader, S.R.No.43956

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RLD(CO)
PBS/22/07/2022