



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.17596 OF 2021

K.Govindasamy

... Petitioner

Vs.

Coimbatore District Central Co-operative Bank,
represented by its General Manager,
80, Bank Road, P.B.No.3781,
Coimbatore - 641 018.

... Respondent

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondent to disburse the petitioner's retirement benefits considering the petitioner's representations dated 05.01.2015, 11.05.2017 and 03.05.2021.

For Petitioner : Mr.N.Manoj Kumar

For Respondent : Mr.R.Shanmugam

O R D E R

The relief sought for in the writ petition for mandamus to direct the respondent to disburse the petitioner's retirement benefits considering the petitioner's representations dated 05.01.2015, 11.05.2017 and 03.05.2021.

2.Brief facts of the case:

(a).The petitioner was joined as a clerk in the respondent's Bank, in the year 1984. Whiles, on 08.12.1998, he was issued a show cause notice on charges of dereliction in duty and causing loss to the tune of Rs.5.30 lakhs to the respondent's and thereafter, the petitioner has given his explanation for the same, even though, he was placed under suspension with effect from 14.05.1999 and the charges of manipulation of ledgers and misappropriation were also levelled against him. Thereafter, on reaching the age of superannuation on 30.10.1999, the petitioner



was permitted to retire from service through the enquiry but the suspension was pending. The respondent's Bank after conducting domestic enquiry concluded that the charges levelled against the petitioners were proved and the second show cause notice was issued on 01.02.2001 and the petitioner has also given his explanation. Even though, the petitioner was dismissed from the service.

(b).Hence, he preferred an appeal before the learned Appellate Authority under the Tamil Nadu Shops and Establishments Act, 1947 in TNSE No.4 of 2001 and same was dismissed. Aggrieved over the same W.P.No.4846 of 2004 has been preferred but the same was also dismissed. Thereafter, writ appeal has been filed and the same was allowed and remitted back the matter to the learned Appellate Authority to hear afresh and pass orders on merits. The learned Appellate Authority has allowed the appeal and set aside the order of dismissal from service by an order dated 24.11.2008. Aggrieved over the same the respondent bank has filed W.P.No.275 of 2010 and the same was dismissed. Thereafter, the petitioner has sent a representation dated 05.01.2015 and remainder dated 11.05.2017 to the respondent to disburse the retirement benefits and the respondent's Bank sent a reply by stating that they have filed a review application and the same was pending. Again the petitioner has sent representation dated 03.05.2021 but there is no reply from the respondent. Hence, the writ petition.

3.Mr.R.Shanmugam, learned counsel for the respondent would submit that, the representation of the petitioner will be considered by the authorities concerned, on its own merits and in accordance with law.

4.In view of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this Court is inclined to direct the respondent to consider the representation of the petitioner dated 03.05.2021 and pass orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Dua



To

The General Manager,
Coimbatore District Central Co-operative Bank,
80, Bank Road, P.B.No.3781,
Coimbatore - 641 018.

+1cc to Mr.R.Shanmugam, Advocate, S.R.No.24056

+1cc to M/s.K.V.Law Firm for J.Hariharan, Advocate, S.R.No.24045

W.P.No.17596 of 2021

KV(CO)
RLP(27/04/2022)