



WEB COPY



WP No.43962 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.43962 of 2016
And
WMP No.37822 of 2016

1.N.Renu (deceased)
2.R.Jayalakshmi
3.R.Kavitha
4.R.Saravanan
5.R.Suresh Kumar
(P-2 to P-5 impleaded vide order
of Court dated 10.11.2022 made in WMP
No.15353 of 2022 in WP No.43962
of 2016) ..

Petitioners

VS.

1.Joint Registrar of Cooperative Societies,
Vellore Zone,
Vellore – 632 001.

2.Deputy Registrar of Cooperative Societies,
Tirupattur,
Vellore District.



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3. Management,
Vellore District Central Cooperative Bank,
No.1, Officers Lane,
Vellore.

..

Respondents

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 concerned records from the first respondent, quash the order of the first respondent dated 23.01.2015 bearing Na.Ka.No.4392/14 A2 Revision Petition No.11/2014 as illegal, arbitrary and contrary to law and consequently direct the third respondent to pay the terminal benefits of the deceased first petitioner such as Gratuity, Encashment of Leave Wages, Provident Fund etc., along with the interest at the rate of 18% per annum from the date of retirement viz., 30.06.2008 till the actual payment.

For Petitioners	: Mr.Balan Haridas
For Respondents-1 and 2	: Mr.R.P.Murugan Raja, Government Advocate.
For Respondent-3	: Mr.L.P.Shanmugasundaram

ORDER

The revisional order dated 23.01.2015 passed issued by the first respondent under Section 153 of the Tamil Nadu Cooperative Societies Act,



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is under challenge in the present writ petition.

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2. The deceased first petitioner was an employee in the third respondent-Central Cooperative Bank and retired from service on 30.06.2008. At the time of retirement, a criminal case was pending against the deceased first petitioner and therefore, his request for settlement of terminal benefits was not considered.

3. The deceased first petitioner filed a revision petition under Section 153 of the Tamil Nadu Cooperative Societies Act, before the first respondent, who in turn rejected the same on the ground that the criminal case was pending against the deceased first petitioner even at that point of time.

4. The learned counsel for the petitioners made a submission that the criminal case pending against the deceased first petitioner ended with an order of acquittal in a Criminal Revision Case filed before the High Court and the judgment was delivered on 21.07.2015. Since the deceased



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first petitioner was acquitted from the criminal case and there is no departmental disciplinary proceedings are pending against the deceased first petitioner. There is no impediment for the respondent-Society to settle all terminal benefits due to the deceased first petitioner.

5. The learned counsel for the third respondent brought to the notice of this Court that yet another criminal case is pending against the deceased first petitioner. However, the learned counsel for the petitioners made a submission that the first petitioner died and therefore, the said criminal case pending against him got abated. Thus the said pendency of the criminal case against the deceased first petitioner would not be a bar for the third respondent in settling the terminal benefits due to the employee.

6. In view of the fact that the first petitioner died and the legal heirs are impleaded, there is no other impediment for settling the terminal benefits, the present writ petition is to be considered.



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7. Accordingly, the order impugned passed by the first respondent in proceedings Na.Ka.No.4392/14 A2 Revision Petition No.11/2014 dated 23.01.2015, is quashed and the respondents are directed to settle the terminal benefits due to the deceased employee in favour of the legal heirs, within a period of twelve weeks from the date of receipt of a copy of this order.

8. Consequently, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

1.Joint Registrar of Cooperative Societies,
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2.Deputy Registrar of Cooperative Societies,
Tirupattur,
Vellore District.

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3.Management,
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