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W.P.No.23601 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23601 of 2019

R.Selvarasu

... Petitioner

Vs.

The President,
Mudhanai Primary Agricultural Co-operative Bank,
Mudhanai,
Virudhachalam Taluk,
Cuddalore District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent for the payment of terminal benefits. Viz, the Gratuity, Leave Salary, Contribution of employees Provident Fund, benefits to the petitioner for the services rendered in the respondent management, Security Deposit, if any along with the respective contribution made by the Management, other terminal benefits, along with interest of 18% percentage per annum.

For Petitioner

: Mr.J.Pradeep

For Respondent

: Mr.L.P.Shanmugasundaram



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ORDER

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The relief sought for in the present writ petition is to direct the respondents for payment of terminal benefits. Viz, the Gratuity, Leave Salary, Contribution of employees Provident Fund, benefits to the petitioner for the services rendered in the respondent management, Security Deposit, if any along with the respective contribution made by the Management, other terminal benefits, along with interest of 18% percentage per annum.

2. The petitioner served as Salesman in the respondent Agricultural Co-operatives Bank, which is a Society registered under the Tamil Nadu Co-operatives Societies Act, 1983. The departmental disciplinary proceedings were initiated against the writ petitioner, which resulted in the order of dismissal from service. The petitioner preferred a Revision under Section 153 of the Tamil Nadu Co-operatives Societies Act, 1983, challenging the order of dismissal from service. The Revisional Authority confirmed the order of punishment and the punishment became final.

3. When the punishment of dismissal from service became final, the petitioner filed the present writ petition against the dismissal of the Revision



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Petition. The petitioner filed W.P.No.20051 of 2009, this Court passed an order on 07.07.2011, dismissing the writ petition. Thus, the punishment of dismissal issued in the year 2009 reached finality. Thereafter, on 23.11.2018, the petitioner submitted a representation to settle the terminal and pensionary benefits to him. Based on the representation, the present writ petition is filed.

4. A dismissed employee is not entitled for the full terminal and pensionary benefits. The order of dismissal became final and therefore, he is not entitled for the benefits as applicable to the other employees, who retired from service. However, the petitioner's contribution, if any, remains in the society, the said contribution as per rules is to be settled in favour of the petitioner. In other words, the eligibility of the dismissed employee is to be considered. If any dues are to be paid, the same is to be settled in favour of the petitioner. However, the petitioner is not entitled for the relief as such sought for in the present writ petition, since the punishment of dismissal from service was confirmed and reached finality.



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5. Thus, the Writ Petition is devoid of merits and stands dismissed.

No costs.

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Jeni

Index : Yes

Speaking order

To

The President,
Mudhanai Primary Agricultural Co-operative Bank,
Mudhanai,
Virudhachalam Taluk,
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S.M.SUBRAMANIAM, J.

Jeni

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