



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.23272 of 2015

and

M.P.(MD)No.2 of 2015

WEB COPY

K.Veluchamy

... Petitioner

vs.

1.The Deputy Registrar of Cooperative Societies,

Office of the Deputy Registrar,
Kamatchi Amman Kovil Street,
Aranthangi, Pudukkottai District.

2.The Joint Registrar,

Office of the Joint Registrar of Cooperative Societies,

Integrated Co-operative Campus,

Annavasal Road, Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Orders in Rc. 3044 / 2013 / A1, dated 28.06.2013 and Rc. No. 997/13, dated 03.07.2013, on the file of the Respondent No.2 and to quash the same as illegal and consequently for a direction, directing the respondents to drop all further proceedings with the disciplinary action and to disburse immediately all the retirement benefits due to the petitioner with applicable interest from the period it was due to him within the time stipulated by this Court.

For Petitioner

: Mr.G.Karthik

for M/s.T.Lajapathi Roy

For Respondents

: Mr.D.Sachi Kumar

Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Orders in Rc. 3044 / 2013 / A1, dated 28.06.2013 and Rc. No. 997/13, dated 03.07.2013, on the file of the Respondent No.2 and to quash the same as illegal and consequently for a direction, directing the respondents to drop all further proceedings with the disciplinary action and to disburse immediately all the retirement benefits due to the petitioner with applicable interest from the period it was due to him within the time stipulated by this Court.



2. When the Writ Petition was taken up for hearing, the learned Counsel appearing for the petitioner submitted that the petitioner died. The petitioner has challenged the disciplinary proceedings in this Writ Petition. The petitioner retired on 28.06.2013. One disciplinary proceedings was initiated under section 17 (b). The other disciplinary proceedings were initiated under Pension Rules. Because of the death of the petitioner, both the disciplinary proceedings are abated.

3. The authorities cannot proceed with the disciplinary proceedings. However, if there is any loss to the Government, the authorities are having power to recover from the estate of the deceased. If the legal heirs of the petitioner is interested in proceeding further for the terminal benefits, they are at liberty to proceed and the authorities shall consider the request of the legal heirs and pass orders in accordance with law.

4. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Deputy Registrar of Cooperative Societies,
Office of the Deputy Registrar,
Kamatchi Amman Kovil Street,
Aranthanki, Pudukkottai District.



2.The Joint Registrar,
Office of the Joint Registrar of Cooperative
Societies,
Integrated Co-operative Campus,
Annavasal Road, Pudukkottai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-3541[F] dated 02/02/2022)

+1 CC to M/s.SPL.GP (SR-3718[F] dated 02/02/2022)

W.P.(MD)No.23272 of 2015
01.02.2022

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