



W.P.(MD)No.12393 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2022**

CORAM

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

W.P.(MD)No.12393 of 2016

and

W.M.P.(MD)No.9404 of 2016

K.R.Shanmuganathan

... Petitioner

vs.

The President,
T-1233, Athani Primary Agricultural
Co-operative Credit Society,
Athani and Post,
Manamelkudi Taluk,
Pudukkottai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorari*, to call for the records of the impugned notice passed by the respondent dated 30.06.2016 and quash the same as illegal and arbitrary.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate (Civil Side)



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ORDER

This Writ Petition has been filed by the petitioner to quash the impugned notice, dated 30.06.2016, issued by the Respondent.

2. Heard Mr.K.Baalasundharam, learned counsel appearing for the Petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate (Civil Side) appearing for the Respondents. Perused the material documents available on record.

3. The learned counsel appearing for the Petitioner submitted that the respondents have issued the impugned notice, dated 30.06.2016, directing the petitioner to pay a sum of Rs.82,146.05/-. The said impugned notice was issued, just one month prior to his superannuation.

4. The allegation against the petitioner is that the petitioner caused loss due to damage of the fertilizers, pesticides and other articles. The impugned notice stated that the damage was caused 18 years prior to the impugned notice.



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5. The learned counsel appearing for the petitioner submitted that the delay in issuing notice is ill-motive with an intention, not to allow the petitioner retire from service on attaining superannuation. Now, the petitioner has challenged the impugned notice, on the ground that it was issued belatedly.

6. Considering the facts of the case, this Court is of the considered opinion that the respondents cannot initiate proceedings on the verge of retirement. In this case, the alleged delinquency happened 18 years prior to the impugned notice and therefore, the impugned notice is liable to be quashed.

7. Accordingly, this Writ Petition is allowed. The impugned notice, dated 30.06.2016, issued by the Respondent is hereby quashed. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

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To

The President,
T-1233, Athani Primary Agricultural
Co-operative Credit Society,
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S.SRIMATHY, J

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