



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.4730 of 2020

N.Elangovan

... Petitioner

Vs.

1.The Joint Registrar
Cooperative Societies
Vellore Zone,
Vellore.

2. The Deputy Registrar of Cooperative Societies,
Tirupattur,
Tirupattur District - 635 601.

3. The Management
Tirupattur Cooperative Primary Agricultural
and Rural Development Bank Limited,
Katcheri Street
Tirupattur - 635 601.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the third respondent to dispose the representation dated 30.12.2019 by disbursing the pending arrears with interest.



For Petitioner : Mr.S.Sairaman
For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader.

ORDER

This petition has been filed seeking a direction to the third respondent to dispose of his representation dated 30.12.2019 by disbursing the pending arrears with interest.

2. The case of the petitioner is that he joined the services of the third respondent Bank on 07.08.1972. While so, he was promoted as the Secretary of the Bank. He was issued with two charge memos, dated 26.08.2006 and 12.12.2008.

3. The petitioner challenged both the charge memos by filing a Revision Petition before the first respondent. The said revision petition was dismissed on the ground that the petitioner can seek such relief only after passing of final orders in the charge memo.



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4. Hence, the petitioner approached this Court by filing W.P.No.11318 of 2007, in which, this Court, by order dated 31.12.2008, disposed of the writ petition by directing the first respondent to decide the revision on merits.

5. Pursuant thereto, the first respondent directed the Management to issue a fresh charge memo. Accordingly, a fresh charge memo was issued on 28.11.2011. Meanwhile, three other charge memos were issued to the petitioner on 07.12.2006, 29.08.2010 and 30.04.2010 and the petitioner was permitted to retire on reaching the age of superannuation on 31.07.2012, without prejudice to the disciplinary cases pending against him, vide order dated 31.07.2012.

6. Challenging the said order dated 31.07.2012, the petitioner preferred a writ petition being W.P.No.23306 of 2012 which was dismissed on the ground that the writ petition was not maintainable as against the Cooperative Society and the petitioner was given liberty to file a revision petition. Accordingly, the petitioner filed a revision petition No.28 of 2012 against the order dated 31.07.2012 before the first respondent, wherein by order dated



03.09.2013, it was held that the disciplinary action had attained finality.

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7. The petitioner challenged the order dated 03.09.2013 in W.P.No.31628 of 2013 on the ground that since he has been permitted to retire, the disciplinary action cannot be continued against him, because the employer-employee relationship had ceased to exist. The said writ petition was disposed of 22.09.2017 in the following terms:-

"3.Therefore, the impugned order dated 03.09.2013 in Na.Ka.No.8812/2012 A1 passed by the first respondent is set aside. there shall be a consequential direction to the respondents to settle the terminal benefits due and payable to the petitioner with all other attendant benefits. Such exercise shall be completed by the respondents within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed."

8. Pursuant to the aforesaid order, the Management paid a sum of Rs.23,89,349/-. On the ground that still a sum of Rs.8,49,522/- is due from the Management, the petitioner filed a contempt petition in Cont.P.No.652 of 2018. During the pendency of the contempt petition, the Management agreed



to pay Rs.1,45,774/- in four weeks. This Court, in Cont.P.No.652 of 2018, on

03.10.2019, held as follows:-

"6. This Court is of the opinion that the petitioner has to agitate the issue involved by filing appropriate petition before this Court to substantiate his grievance. The reasons given on the respondent's side are incorrect and unsustainable in law.

7. Recording the above said submission made by the learned counsel for the petitioner, Rs.1,45,774/- (Rupees One Lakh Forty Five Thousand Seven Hundred and Seventy Four) shall be paid to the petitioner by the respondents, within four weeks from the date of receipt of copy of this order. It will be open for the petitioner to agitate his claim, by filing a fresh writ petition before this Court.

8. Accordingly, this contempt petition is closed."

9. Subsequently, the petitioner was paid only a sum of Rs.1,45,774/-.

Hence, the petitioner submitted a detailed representation dated 30.12.2019 seeking settlement of the residual balance which worked to Rs.7,44,101/-.



Since the said representation has not been considered, the petitioner has filed this writ petition seeking aforesaid prayer.

10. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

11. Considering the limited nature of the relief sought by the petitioner, this Court directs the third respondent to consider the petitioner's representation dated 30.12.2019, if not considered till date and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

12. This Writ Petition is disposed of with the above direction. No costs.

12.07.2023

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Speaking Order : Yes/No

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To:

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J.SATHYA NARAYANA PRASAD,J.

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