



W.A.Nos.1981, 1982 and 1983 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.Nos.1981, 1982 and 1983 of 2023

The Managing Director,
Puducherry Co-operative Bank Ltd.,
Puducherry.

.. Appellant in
all appeals

Vs

S.Anbalagan
R.Gunasekaran
R.Ganapathy

.. Respondent No.1
in the respective
appeals

The Registrar of Co-operative Societies
Government of Puducherry,
Co-operative Department, VVP Nagar,
Thattanchavadi Post,
Puducherry-605 009.

The Administrator,
Puducherry Co-operative Urban Bank Ltd. P-14,
No.197, Jawaharlal Nehru Street,
Puducherry-605 001.



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The Reserve Bank of India,
No.16, Rajaji Salai, Fort Glacis,
Chennai-600 001.

Union of India,
rep. by its Secretary,
Co-operative Department,
Puducherry.

.. Respondent Nos.2
to 5 in all appeals

Prayer: Appeals filed under Clause 15 of the Letters Patent to set aside the common order dated 9.6.2023 passed in W.M.P.Nos.16366, 16370 and 16364 of 2023 in W.P.Nos.17191, 17194 and 17181 of 2023 by the learned Single Judge.

For the Appellant : Mr.V.Balamurugan
in all appeals

For the Respondents : Mr.R.Sreedhar
Additional Government
Pleader (Puducherry)
for respondent Nos.2, 3 & 5
in all the appeals

: Mr.P.Chandrasekar
for 1st respondent
in all the appeals

COMMON JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.V.Balamurugan, learned counsel for the appellant; Mr.P.Chandrasekar, learned counsel for the first



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respondent; and Mr.R.Sreedhar, learned Additional Government Pleader (Puducherry) for respondents 2, 3 and 5.

2. The appellant is challenging the order passed by the learned Single Judge, thereby granting interim stay.

3. Learned counsel for the appellant submits that the interim stay was granted sheerly on the basis of the earlier order passed in the writ petitions filed by similarly situated employees in W.P.Nos.9314 and 9319 of 2021. The learned Single Judge, though had passed the interim order for a limited period, did not further extend the said stay. According to learned counsel, the circular is issued by the Registrar accepting the amendment, wherein the age of retirement has been brought down to 58 years. The same is in the public interest. The learned Single Judge has not considered any of the contentions on merits.

4. Learned counsel for the first respondent/original writ petitioners submits that the present appellant allowed the



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petitioners in W.P.Nos.9314 and 9319 of 2021 to retire after they attained the age of 60 years. After attaining the age of 60 years, there was no question of continuing the interim order. In the present case also, the first respondent/original writ petitioners rejoined on 15.7.2023, though they were relieved on 29.5.2023. However, the said statement is disputed by learned counsel for the appellant.

5. The learned Single Judge while passing the interim order has not discussed about the merits of the matter. It has granted interim stay only on the basis of the stay granted in the writ petitions filed by similarly situated employees.

6. There are various questions that will be required to be considered by the learned Single Judge before arriving at a conclusion. In fact, if the first respondent/original writ petitioners succeed, they would certainly be entitled to all the benefits. However, as the interim order is passed on 9.6.2023, we are at present not inclined to pass further orders.



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7. The counsel for the first respondent/original writ petitioners undertakes that in case the writ petitions are dismissed, they would not claim salary for the period from the date they attained 58 years of age.

8. Considering the nature of the matter, we request the learned Single Judge to consider the matter expeditiously. The parties would be governed by the final orders passed by the learned Single Judge.

With the aforesaid observations, the writ appeals stand disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.16799, 16796 and 16798 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

31.07.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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THE HON'BLE CHIEF JUSTICE
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