



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.28982 of 2019

G. Sekar

.. Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Ariyalur Region, Ariyalur,
Ariyalur District.

2.The President,
R.1429, T.Palur Panchayat Union Employees
and Teachers Co.op. Thrift and Credit Society,
T.Palur Post,
Udayarpalayam Taluk,
Ariyalur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for entire records relating to the impugned order passed by the 2nd respondent dated 20.02.2018 and to quash the same and consequently direct the respondents to disburse the petitioner's retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on private affairs by fixing the revision of pay scale to the petitioner.



For Petitioner	.. Mr.C.Prakasam
For R1	.. Mr.S.Ravikumar, SGP
For R2	.. Mr.R.Bala Ramesh

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus seeking records relating to the 2nd respondent, the President, T.Palur Panchayat Union Employees and Teachers Co-operative Thrift and Credit Society, T.Palur Post, Udayarpalayam Taluk, Ariyalur District, dated 20.02.2018 and to quash the same and direct the respondents to disburse the retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on private affairs by fixing the revision of pay scale to the petitioner.

2.The petitioner was working as Clerk on 11.07.1983 and was promoted as Secretary in the year 1996. The 2nd respondent suspended the petitioner from service on 22.07.2008. A charge memo had been issued to the petitioner. Though the petitioner gave an explanation, domestic enquiry



was directed to be conducted. Enquiry Officer was also appointed. The charges were held to be established and after further due process, an order terminating the petitioner from service was passed on 18.05.2012.

3. Thereafter, the 1st respondent, the Deputy Registrar of Co-operative Societies, Ariyalur District, had initiated enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 2008, with respect to the irregularities committed in the 2nd respondent society, which according to the 1st respondent were issuance of bogus loans to the members of the 2nd respondent society. After a report was filed, further proceedings under Section 87 of the said Act had been initiated. Finally, orders were passed and the petitioner had also filed an appeal under Section 152 of the said Act before the Principal District Court at Ariyalur. It is also stated that quite apart from these proceedings, a police complaint had also been given and in this connection, C.C.Nos.33 to 39 of 2010 are now pending on the file of the Judicial Magistrate Court, Ariyalur.

4. It is thus seen, that the petitioner will have to first get acquitted from the calendar cases. As against the order in civil miscellaneous appeal,



the petitioner had filed C.R.P.No.2118 of 2023, which is now pending before this Court.

5.In the midst of these litigations, the petitioner now seeks payment of all retirement benefits. It is not possible to do so. The petitioner will have to first clear his name both in the civil and criminal proceedings, which he faces.

6.At the most, the respondents may examine the particular heads to which amounts can be disbursed to the petitioner without affecting their right for recovery of any misappropriated amount and the heads over which, they can hold a charge or lien for such recovery. The contribution made by the petitioner may be released and to that extent, I would leave it to the wisdom of the 2nd respondent to so examine the benefits, which could be paid to the petitioner, keeping in mind the interest of the 2nd respondent society. Necessary proceedings in this regard may be issued within a period of sixteen weeks, from the date of receipt of a copy of this order, after getting proper advise, and if required, undertaking from the petitioner herein.



WEB COPY 7. With the above observations, this Writ Petition stands disposed of.

No costs.

13.09.2023

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking order: Yes/No

To

1. The Deputy Registrar of Co-operative Societies,
Ariyalur Region, Ariyalur,
Ariyalur District.

2. The President,
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and Teachers Co.op. Thrift and Credit Society,
T.Palur Post,
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C.V.KARTHIKEYAN,J.

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