



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

WP No.14959 of 2017
and WMP No.22629 of 2017

Mageswari

..Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies
Udaka Mandalam,
Nilgiris District.

2. The President,
The Nilgiris District Plantation Workers
Co-op Thrift & Credit Society Limited,
Head Office, Raman Nair Building,
Rokeby, Coonoor – 1

3. The Assistant Secretary
K.P.Prakash
The Nilgiris District Plantation Workers,
Co-op Thrift and Credit society Limited,
Head Office, Raman Nair Building,
Roke by, Coonoor -1

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for a writ of Mandamus to direct the 2nd respondent to strictly
comply with the final order in proceedings No.08/2016



(Na.Ka.No.3039/2016/AA4) dated 07.04.2017 passed by the 1st respondent herein so as to enable the petitioner herein also to comply with the stipulated period prescribed by this Court.

For Petitioner : Mr.B.Sundarapandian
For Respondents : Mr.T.M.Rajangam
Government Advocate

ORDER

This writ petition has been filed for a direction to the 2nd respondent to strictly comply with the final order in proceedings No.08/2016 (Na.Ka.No.3039/2016/AA4) dated 07.04.2017 passed by the 1st respondent herein so as to enable the petitioner herein also to comply with the stipulated period prescribed by this Court.

2. The case of the petitioner is that she joined in the Co-operative Department as a clerk on 14.09.1989. Thereafter, she was promoted as Cashier as per the order of the 2nd respondent dated 14.02.1996 and subsequently, she was promoted as Accountant on 30.12.2009. Without any valid reason, the petitioner was transferred to Minjur. While that being so, the 3rd respondent issued a memo on 15.04.2016 with specific observation that the petitioner while on casual



leave had handed over the office keys through her husband to the office staff. As a result of which, she was imposed with punishment of stopped of increment for two years by the 2nd respondent herein on 22.06.2016. Against which, the petitioner filed an appeal as a revision before the 2nd respondent herein on 17.08.2016 and the same was pending before the 1st respondent. Meanwhile, the 2nd respondent subsequently issued another charge memo and imposed the punishment of deduction in rank for three years and also issued the transfer order. Since no action has been taken on the appeal filed by the petitioner, the petitioner filed a writ petition before this Court in WP No.44318 of 2016 and this Court had directed the respondents to consider and dispose of the appeal within a period of eight weeks from the date of that order. Though the 1st respondent had passed an order on 07.04.2017 reinstating the petitioner as Manager, she has been made to wait compulsorily by the 2nd respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that in view of the order passed by this Court on 15.12.2016, the petitioner has been



reinstated into service as Manager by the 1st respondent but the 2nd respondent did not comply with the order of the 1st respondent. The learned counsel further submitted that the petitioner has now been retired from service on 30.04.2019 and hence, she seeks for retirement benefits.

4. The learned counsel for the 2nd respondent submitted that the 2nd respondent Management had filed a writ petition in WP No.13917 of 2017, aggrieved by the order of the 1st respondent and the same is pending before this Court. Since the writ petition is pending before this Court, this writ petition itself is not sustainable.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has been retired from service during the year 2019 and that now she is seeking for retirement benefits alone, this Court is inclined to allow this writ petition with a direction to the 2nd respondent to pay the retirement benefits, if she is otherwise entitled to, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. This writ petition is disposed of with the above directions.

No costs. Consequently, the connected miscellaneous petition is closed.

15.11.2023

Index:Yes/No

Internet :Yes /No

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V.BHAVANI SUBBAROYAN.,J



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To

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Nilgiris District.
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