



W.P.No.32519 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32519 of 2023

S.Durairajan
S/o.N.Srinivasan

...Petitioner

Vs

The Joint Registrar of Co-operative Societies
Cuddalore Region
Cuddalore.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay Encashment of Earned Leave, Unearned Leave on Private Affairs, Special Provident Fund and General Provident Fund with interest @ rate of 12% per annum to consider the petitioner's representation dated 20.10.2023 in the light of the order in W.P.No.35328 of 2019 dated 06.11.2020 and W.A.No.1700 of 2015 dated 18.01.2016.

For Petitioner	:	Mr.M.S.Palaniswamy
For Respondent	:	Mrs.V.Yamuna Devi Special Government Pleader



W.P.No.32519 of 2023

WEB COPY

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for mandamus to direct the respondent to pay Encashment of Earned Leave, Unearned Leave on Private Affairs, Special Provident Fund and General Provident Fund with interest @ rate of 12% per annum by considering the petitioner's representation dated 20.10.2023 and in the light of the order dated 06.11.2020 made in W.P.No.35328 of 2019 and order dated 18.01.2016 made in W.A.No.1700 of 2015

3. Certain charges were framed against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules in the year 2014, though almost 9 years have elapsed, disciplinary proceedings are said to be still pending. Incidentally, charges relate to certain alleged irregularities of the petitioner while he was serving as a Special Officer in Nandimangalam Primary Agricultural Co-operative Credit Society for the period from 18.09.2009 to 13.12.2009 and



W.P.No.32519 of 2023

WEB COPY

Chidambaram Divisional Government Aided Higher Secondary Teachers and Employees Co-operative Thrift and Credit Society for the period from 25.11.2009 to 30.05.2010. When the petitioner had attained the age of superannuation on 30.06.2016, he was not permitted to retire through proceedings of the respondent dated 30.06.2016 on the ground that enquiry is pending based on the charges framed against him and also on account of two pending criminal cases in C.C.Nos.8/2014 and 44/2014.

4. It is a settled proposition of law in service jurisprudence that both criminal proceedings as well as departmental action can be proceeded simultaneously. While that being so, this Court does not find any justification on the part of the respondent in having kept the disciplinary proceedings pending from the year 2014 and not allowing the petitioner to retire.

5. Thus, this Court is of the view that if the Disciplinary Authority is directed to conclude the disciplinary proceedings, within a stipulated time, ends of justice would be secured. Though the petitioner has sought for a direction to the respondent to release the eligible monetary benefits



W.P.No.32519 of 2023

by considering his representation, the prayer is hereby modified into one of a direction to complete the disciplinary proceedings within a stipulated time by invoking powers under Article 226 of Constitution of India.

6. Accordingly, there shall be a direction to the respondent to complete the disciplinary proceedings pending against the petitioner herein and pass final orders within a period of three months from the date of receipt of a copy of this order. In case, the disciplinary proceedings are not finalised on expiry of three months, the entire disciplinary proceedings would lapse and the petitioner would be entitled to retire from service and receive all his monetary benefits without any further orders from the authorities or from this Court.

The Writ Petition stands ordered, accordingly. There shall be no order as to costs.

16.11.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

mk

To



W.P.No.32519 of 2023

The Joint Registrar of Co-operative Societies
Cuddalore Region
Cuddalore.



WEB COPY



W.P.No.32519 of 2023

M.S.RAMESH,J.

mk

W.P.No.32519 of 2023

16.11.2023