



W.P(MD)No.7260 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7260 of 2023

and

W.M.P(MD)Nos.6851 & 6853 of 2023

R.Mayandi

... Petitioner

Vs.

1.The Joint Registrar,
Joint Registrar of Co-operative Society Office,
Madurai Zone.

2.The Deputy Registrar,
Deputy Registrar of Co-operative Society Office,
Usilampatti Region at Thirumangalam,
Madurai District.

3.The Administrator,
MU 8 Usilampatti Taluk,
Agricultural Producer's Co-operative Marketing
Society Limited,
Usilampatti,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent vide his proceedings Nil, dated 28.02.2023 and quash the same so far as withholding



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the retirement benefits and consequently direct the third respondent to pay EPF, Unearned Leave, Gratuity, Security Deposit and other retirement benefits a sum of Rs.7,80,003/- as admissible to the petitioner vide representation, dated 01.03.2023.

For Petitioner : Mr.S.Maruthu Pandian

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed by a Salesman in a PDS Shop challenging the order passed by the third respondent herein.

2. The petitioner, who was working as a Salesman had attained superannuation on 28.02.2023. Under the impugned order, dated 28.02.2023, the third respondent has permitted the petitioner to retire from services and he was relieved. However, his terminal benefits were not disbursed on the ground that a criminal case in Crime No.310 of 2021 is pending on the file of Usilampatty Town Police Station. This order is under challenge in the present writ petition.



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3. According to the learned Counsel appearing for the writ petitioner, once he is permitted to retire from services, his terminal benefits cannot be retained by the authorities, citing the pendency of criminal case.

4. The learned Special Government Pleader appearing for the respondents had contended that incase if he is convicted in the criminal proceedings, further action has to be initiated as against the petitioner herein and therefore, the terminal benefits were not released by the authorities.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. A perusal of the impugned order, dated 28.02.2023 indicates that the petitioner has not been retained in service. But on the other hand, he has been permitted to retire with effect from 28.02.2023. A perusal of the counter affidavit filed by the respondent authorities further point out that departmental action has been initiated as against the writ petitioner for his mis-conduct, which had culminated in passing an order of censure as against the writ



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petitioner. Therefore, it is clear that citing the pendency of criminal case, the retirement benefits cannot be retained by the third respondent Society.

7. In view of the above said facts, the third respondent Society is directed to release all the terminal benefits to the writ petitioner, within the period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above said direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

20.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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Joint Registrar of Co-operative Society Office,
Madurai Zone.



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R.VIJAYAKUMAR, J.

BTR

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