



W.P.(MD).No.8588 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.04.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 8588 of 2023

and

W.M.P(MD)Nos.7891 & 7894 of 2023

N.Krishna Gopalan

... Petitioner

Vs.

1. The Registrar of Tamilnadu
Co-operative Societies,
Head Office,
No.170, EVR High Road,
Kilpauk, Chennai.

2. The Joint Registrar of Cooperative Societies,
Office of the Joint Registrar of Cooperative Societies,
Thanjavur Region,
Thanjavur District.

3. The Deputy Registrar of Cooperative Societies,
Office of the Deputy Registrar of Cooperative Societies,
Thanjavur,
Thanjavur District.

4. The President,
T-1552 Thuraiyur Primary Agricultural,
Co-operative Credit Society Limited,
Madigal, Thanjavur District.

5. Dharmaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Certiorarified Mandamus***, calling for the records pertaining to the 4th respondent charge memo, dated 21.01.2019

<https://www.mhc.tn.gov.in/judicial> and proceedings issued by the 4th respondent in No.3/1S-19 dated



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28.02.2019 pertaining to the withheld payments of the petitioner and quash the same as illegal and consequently directing the 4th respondent herein to settle the retirement benefits payable to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Jameel Arasu

For Respondent : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition is filed challenging the impugned order, dated 21.01.2019 and the proceedings, dated 28.02.2019 and consequentially direct the respondents to settle the retirement benefits payable to the petitioner.

3. The petitioner is an employee of the 4th respondent and joined service as Assistant on 03.07.1990, thereafter, promoted to various posts, subsequently, on attaining superannuation and retired from service on 28.02.2019. On the verge of retirement, the respondents have issued a charge memo, dated 21.01.2019 and served the petitioner on 25.02.2019.

The charge against the petitioner is, the petitioner has recovered debt from the employment, inspite of depositing the same in the Central Co-operative Bank have reissued the same to the other 10 members of the

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Society. Therefore, the respondents have issued the charge memo on the verge of retirement. Moreover, the petitioner was alleged that the respondents have not paid salary for the past one year i.e., 2021 on wards. Challenging the charge memo and the attitude of the respondents, the petitioner is before this Court.

4. Therefore, this Court is of the considered opinion that, it is evident that the respondents in order to coerce the petitioner has initiated such action. Therefore, this Court is interfering the charge memo itself. The impugned charge memo is liable to be quashed.

5. Accordingly, this Writ Petition is allowed. The impugned charge memo, dated 21.01.2019 and the proceedings, dated 28.02.2019 are hereby quashed. The respondents are directed to pay the salary as well as the terminal benefits. The said exercise shall be completed within a period of six weeks, from the date of receipt of a copy of the order.

6. With the above directions, this Writ Petition is allowed.

No Costs.

Index : Yes / No

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Internet : Yes



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.8588 of 2023**

17.04.2023