



W.P(MD)No.15569 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15569 of 2020

P.Chandra Sekaran

... Petitioner

Vs

1.The Joint Registrar,
Primary Agricultural Co-operative Bank,
District Collectorate Office,
Ramanathapuram – 623 707.

2.The Deputy Registrar,
Q-915, Primary Agricultural Co-operative Bank,
Co-operative Bank Office,
Madurai Main Road,
Paramakudi – 623 704.

3.The President,
Q-915, Primary Agricultural Co-operative Bank,
Co-operative Bank Office,
Muthukulathur,
Ramanathapuram – 623 704.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to release the terminal and retirement benefits like refund of joining Security deposit, Provident Fund, Gratuity, Leave Salary, group insurance and all



W.P(MD)No.15569 of 2020

connected retirement and death benefits with 12 percent interest from the date of death of K.Sornalatha till payment as claimed by the petitioner in his letter dated 29.01.2020 within a period as fixed by this Court.

(Prayer is amended vide order of this Court dated 28.03.2023 in W.M.P(MD)No.6279 of 2023)

For Petitioner : Mr.T.S.R.Venkataramana
Senior Counsel
for Mr.Shyllappa Kalyan

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The petitioner's wife K.Sornalatha was employed in the third respondent Co-operative Society. She had joined the said Society as Senior Grade Writer on 19.09.1989. She passed away while in service on 19.11.2018. All that the petitioner wants is disbursement of the terminal and other benefits to which the legal heirs of the deceased employee are entitled to. The impediment appears to be the stand taken by the Department. The Department has come out with a case that irregularities were committed in the matter of disbursement of draught relief in the year 2012-13 and that the deceased employee was also a party to the commission of the said irregularities. In this



W.P(MD)No.15569 of 2020

regard, a criminal case was registered in Crime No.1 of 2023 on the file of Vigilance and Anti Corruption, Ramnathapuram. The only question that calls for consideration is whether this can be a ground for denial of petitioner's claim. I have no doubt whatsoever in my mind that it cannot be so. This is for the simple reason that during her lifetime she was not issued with any charge memo. No criminal case was registered against her. No surcharge proceedings were initiated against her. When no surcharge order was passed against K.Sornalatha during her lifetime, let alone initiation of such proceedings, it is not open to the Department to raise such a ground after her demise. Not only a living person but even a dead person is entitled to reputation. The same cannot be casually interfered with. The respondents cannot malign a deceased person. K.Sornalatha is not available to defend herself. In this view of the matter, the third respondent is directed to settle all the benefits terminal or retiral benefits or otherwise to the legal heirs of the deceased K.Sornalatha within a period of twelve weeks from the date of receipt of a copy of this order.

3.This writ petition is allowed. There shall be no order as to costs.

28.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



W.P(MD)No.15569 of 2020

To

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G.R.SWAMINATHAN, J.

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W.P(MD)No.15569 of 2020

28.03.2023