



W.P(MD)Nos.21062 & 27186 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.21062 & 27186 of 2023

and

W.M.P(MD)Nos.17469, 17470, 20793 & 23360 of 2023

W.P(MD)No.21062 of 2023:

J.Augustine John

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Tirunelveli Region,
Palayamkottai,
Tirunelveli-1.

2.The Regional Deputy Registrar of
Co-operative Societies (Housing),
Tirunelveli Region,
71 B, Tiruchendur Road,
Palayamkottai,
Tirunelveli-2.

... 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 records relating to the impugned order passed by the first respondent in Na.Ka. 1837/2023 PaTho, dated 31.05.2023 and quash the same as illegal and



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consequently direct the respondents to grant pensionary, retirement benefits and all other monetary benefits along with interest at the rate of 18%.

For Petitioner : Mr.M.Jerin Mathew

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

W.P(MD)No.27186 of 2023:

J.Augustine John

... Petitioner

Vs.

1.The Accountant General (Pension),
No.361, Anna Salai,
Chennai-18.

2.The Joint Registrar of Co-operative Societies,
Tirunelveli Region,
Palayamkottai,
Tirunelveli-1.

3.The Deputy Registrar of Co-operative Societies,
C91, 2nd Cross Street,
Maharaja Nagar,
Tirunelveli-11.

... 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 records relating to the impugned order passed by the second respondent in Na.Ka.1837/2023 PaTho, dated 05.10.2023 and quash the same as illegal and consequently direct the respondents to disburse the pensionary, retirement



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benefits and all other monetary benefits along with interest at the rate applicable as the Tamil Nadu Pension Rules, 1978.

For Petitioner : Mr.M.Jerin Mathew
For R-1 : Mr.P.Gunasekaran
For R-2 & R-3 : Mr.S.Shaji Bino
Special Government Pleader

COMMON ORDER

The present writ petitions have been filed by a Selection Grade Sub Registrar in a Co-operative Society challenging the order of the Joint Registrar of Co-operative Societies, dated 31.05.2023.

2. According to the learned Counsel appearing for the petitioner, the petitioner had attained superannuation on 31.05.2023. He has been permitted to retire by an order, dated 31.05.2023 subject to recovery based upon Section 87 proceedings. That order has been challenged by the writ petitioner in W.P(MD)No.21062 of 2023, wherein this Court has granted interim order of recovery on 29.08.2023.



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3. On 05.10.2023, another order has been passed by the second respondent herein to the effect that they are inclined to permit only provisional pension and not regular pension. This order is under challenge in the present writ petition.

4. The learned Special Government Pleader appearing for the respondents had received written instructions from the Deputy Registrar to the effect that a sum of Rs.34,84,000/- is due to the writ petitioner by way of terminal benefits. From the order, dated 31.05.2023, it is clear that the petitioner is liable to pay a sum of Rs.10,82,557/- under the award under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983. It is contended by the learned Counsel appearing for the petitioner, he has challenged the said order before the competent Court and the same is pending.

5. Considering the fact that the amount due to the writ petitioner is Rs.34,84,000/- and the amount that is due to the Department is just Rs.10,82,557/-, this Court is inclined to pass the following order:



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"(i) The respondents are permitted to retain Rs.10,82,557/- subject to the orders of the competent civil Court. In case, the petitioner succeeds in the surcharge proceedings, the said amount can be released. Till such time, the said amount may be retained by the respondents.

(ii) The balance amount along with other terminal benefits shall be disbursed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

(iii) The respondent authorities are directed to forward the pension proposal for regular pension of the writ petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order."

6. With the above said observation, these writ petitions stand disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

21.11.2023

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



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R.VIJAYAKUMAR, J.

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