



W.P(MD)No.24384 of 2022

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.04.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.24384 of 2022**

**and**

**W.M.P(MD)Nos.18477 & 18479 of 2022**

V.Palanivel

... Petitioner

Vs

- 1.The Joint Registrar of Co-operative Societies /  
Common Cadre Authority,  
O/o. The Joint Director of Co-operative Societies,  
Tirunelveli Region,  
Tirunelveli.
- 2.The Deputy Registrar of Co-operative Societies,  
O/o. The Deputy Registrar of Co-operative Societies,  
Tirunelveli Circle,  
Tirunelveli.
- 3.The President,  
O.702, Panthapuli Primary Agricultural  
Co-operative Credit Society,  
P.Reddiyapatti,  
Karivalamvanthanallur Via,  
Sankarankovil Taluk,  
Thenkasi District – 627 753.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent vide Na.Ka. 3262/2022/ThoVeSa Dated 30.06.2022 and quash the same so far as condition No. 2 relating to retaining the retirement benefit is concerned and consequently directing the respondents to disburse the retirement benefits such as Gratuity, Employees Provident Fund and Earned Leave Salary Payable to the petitioner within the time frame.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.S.Shanmugavel  
Additional Government Pleader

### **ORDER**

Heard the learned counsel on either side.

2. The writ petitioner was appointed as Secretary in the third respondent Society way back in the year 1989. He reached the age of superannuation on 30.06.2022. The petitioner was allowed to retire on 30.06.2022 subject to certain conditions. That was because shortly prior thereto, enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 was ordered. Since his retirement benefits have not been given, the present writ petition came to be filed challenging the conditions which were stipulated in the retirement order in 30.06.2022.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents. The learned Additional Government Pleader pointed out that report under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 was submitted on 06.01.2023 and it contains an adverse recommendation against the petitioner. He pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. The question is what was the position that obtained on the date when the petitioner reached the age of superannuation. It is not in dispute on the said date the petitioner was not facing any disciplinary action. No charge memo had been issued. He was not placed under suspension. He was not implicated in the criminal case or prosecution.



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7. In these circumstances, in the absence of any specific statutory provision or Rule or bylaw, the authority cannot withhold the petitioner's retirement benefits. I therefore set aside the offending conditions in the impugned order and direct the third respondent to disburse the petitioner's retirement benefits. This writ petition is allowed. However, I make it clear that this order will not come in the way of the authorities from taking appropriate action in accordance with law against the writ petitioner. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**27.04.2023**

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

To

- 1.The Joint Registrar of Co-operative Societies /  
Common Cadre Authority,  
O/o. The Joint Director of Co-operative Societies,  
Tirunelveli Region,  
Tirunelveli.
- 2.The Deputy Registrar of Co-operative Societies,  
O/o. The Deputy Registrar of Co-operative Societies,  
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**G.R.SWAMINATHAN, J.**

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