



W.P.(MD).No.5211 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.02.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.5211 of 2016

and

W.M.P.(MD).No.4665 of 2016

P.Arumugam

... Petitioner

Vs.

1.The Deputy Registrar Co-operative Societies,
Pudukkottai Circle,
Integrated Co-operative Office Complex,
Annavasal Road,
Pudukkottai (Post),
Pudukkottai District.

2.The President,
M.M.373, Narthamalai Primary Agricultural
Co-operative Credit Society,
Narthmalai (Post),
Kulathur Taluk,
Pudukkottai 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 entire records pertaining to the proceedings by the first respondent in ப.க/3119-2013 தொடர் நாள் 28.10.2014 and on the basis this, the order passed by the second respondent dated 31.10.2014 and quash the same and consequently direct the respondents to pass suitable orders to pay the retirement benefits as



W.P.(MD).No.5211 of 2016

per the emoluments last drawn by the petitioner in the post of Assistant Secretary.

For Petitioner : Mr.P.Ganapathi Subramanian

For R-1 : Mr.A.Sivanupandian,
Government Advocate.

For R-2 : No Appearance.

ORDER

This Writ Petition is filed challenging the recovery order.

2. The petitioner is employed in the respondent Cooperative Credit Society. The petitioner was promoted in the year 1997 from the post of Senior Clerk to Assistant Secretary and the petitioner was served in the said post for the past 17 years. When the petitioner was on the verge of his retirement that is on 31.10.2014, the respondents have passed the impugned proceedings dated 28.10.2014, wherein, it is stated that the petitioner's promotion to the post of Assistant Secretary is irregular. The respondents have promoted the petitioner and allowed him to work in the promoted post for the past 17 years, suddenly cannot wake up and cancel the promotion by stating the promotion is irregular.



W.P.(MD).No.5211 of 2016

3. Therefore, this Court is inclined to allow the Writ Petition. The impugned order of recovery is set aside. The second respondent has deducted the amount from the petitioner's terminal benefits. Therefore, the second respondent is directed to pay the amount within a period of six (6) weeks from the date of receipt of a copy of this order.

4. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

The Deputy Registrar Co-operative Societies,
Pudukkottai Circle,
Integrated Co-operative Office Complex,
Annavasal Road,
Pudukkottai (Post),
Pudukkottai District.



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W.P.(MD).No.5211 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).No.5211 of 2016

14.02.2023