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W.P.No.24729 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.24729 of 2013

and

M.P.Nos.1 to 3 of 2013

T.Rajendran

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies (PDS) 1,
Kuralagam, Chennai – 108.
 2. The Deputy Registrar of Co-operative Societies (Housing),
Chengalpattu.
 3. The Secretary to Government,
Food and Co-operation Department,
Fort St. George, Chennai – 600 009.
 4. The Registrar of Co-operative Societies,
EVR Periyar Road, Kilpauk,
Chennai – 600 010.
- [R3 and R4 impleaded vide order dated 07.07.2022 made
in W.M.P.No.6399 of 2018 in W.P.No.24729 of 2013]

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in her proceedings RC.No.1569/2013 OE, dated 30.08.2013 and quash the same and consequently directing the respondents to disburse the petitioner's retirement



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benefits including the provident fund, gratuity, computation of pension, earned leave salary etc., applicable to the Government Servants.

For Petitioner

: Mr.C.Prakasam

For Respondents

: Mr.P.Ganesan,
Additional Government Pleader

ORDER

While the petitioner was working as 'Co-operative Sub-Registrar, Ambattur', he was placed under suspension through proceedings bearing RC.No.1569/2013 OE, dated 26.08.2013 on the ground that the petitioner was involved in Crime No.7 of 2008, which was taken on record and re-numbered as C.C.Nos.129 and 139 of 2020. Aggrieved by the same, the petitioner approached this Court by filing W.P.No.24378 of 2013. During the pendency of the Writ Petition, the petitioner attained the age of superannuation on 31.08.2013 and in view of the pendency of the criminal case, the petitioner was not permitted to retire from service by issuing proceedings bearing R.C.No.1569/2013 OE dated 30.08.2013, while continuing the petitioner under suspension. Aggrieved by the said proceedings dated 30.08.2013, the petitioner approached this Court by filing the present writ petition, seeking a writ of mandamus to quash the said proceedings dated 30.08.2013 and to direct the respondents to disburse the terminal benefits including the Provident Fund, Gratuity, Computation of Pension, Earned



Leave Salary etc., payable to the petitioner.

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2. When this matter earlier came up for consideration before this Court on 27.06.2024, this Court directed the respondents to file a status report. Accordingly, the Respondent No.2 filed a common status report stating that the disciplinary proceedings that were initiated against the petitioner by issuing a charge-memo bearing RC.No.761/06/A1 dated 10.07.2006, ending in imposing the punishment of 'stoppage of increment for a period of one year without cumulative effect' on the petitioner. It is also further stated that the surcharge proceedings initiated against the petitioner and others under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 have also lapsed because of the delay in initiation and there is no surcharge final order issued by the Respondent No.1 so far. It is also further stated that the criminal proceedings that are pending against the petitioner in C.C.Nos.129 and 139 of 2020 of are also quashed by this Court in CrI.OP.Nos.7579 and 8339 of 2021 by order dated 27.06.2023, insofar as the petitioner herein is concerned and no appeal is preferred against the said order dated 27.06.2023.



3. The relevant paragraphs from the said common status report reads as

under:

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“(iii) The Joint Registrar of Cooperative Societies Kanchipuram Region, Kanchipuram who is the competent authority to dispose the disciplinary proceedings, disposed of the disciplinary proceedings by inflicting stoppage of increment for one year without cumulative effect to the Petitioner Thiru.T.Rajendran (Under Suspension).

...

(xii) The 2nd Respondent issued the said impugned surcharge notice, the surcharge action time barred under Section 87 of Tamil Nadu Cooperative Societies Act 1983. So that as per records there was no surcharge final order issued by the 2nd Respondent.

...

(xv) I submit that the Petitioner Thiru. T. Rajendran Cooperative Sub Registrar filed a case in the Hon'ble High Court against the criminal cases filed against him in [C.C.No. 129/2020](#) and [139/2020](#) and the Hon'ble High Court passed order made in



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Crl.O.P.Nos.7579 and 8339/2021, dated 27.06.2023 by quashing the above said criminal cases. The Inspector of Police, CCIW-CID (EOW) Kancheepuram made in Letter C. No.102/CCIW-CID/EOW/KPM/2024, dated 01.07.2024 said that they have'nt appeal against the quash criminal cases till date due to "not fit for appeal"

4. Finally, the Respondent No.2 has stated as under in the common status report:-

“I humbly state that, Thiru.T.Rajendran, Co-operative Sub-Registrar under the control of 2nd respondent Office Disciplinary Action, Criminal action, surcharge action, Vigilance and Anti-Corruption Department action against the individual during the period of work is not pending in this authority based on the documents.”

5. In the light of the above, it is evident that the basis for issuing the impugned order is no more available and therefore, the impugned order is liable to be quashed and accordingly, the same is hereby quashed. Consequently, the petitioner shall be entitled for payment of all terminal benefits consequent upon he attaining the age of superannuation on 31.08.2013. The respondents are directed to settle all the terminal benefits



payable to the petitioner in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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6. Accordingly, the Writ Petition is disposed of. Connected Miscellaneous Petitions, if any shall stand closed. No costs.

06.09.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

MUMMINENI SUDHEER KUMAR, J.

skr

To

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