



WEB COPY



W.P.No.4854 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4854 of 2020
and W.M.P.No.26728 of 2021

P.Radhakrishnan

... Petitioner

Vs

1. The Registrar of Cooperative Societies,
NVN Somu Maaligai,
No.170 EVR Periyar Salai,
Kilpauk, Chennai 600 010.
 2. The Joint Registrar cum Managing Director,
Tiruchirapalli District Central Cooperative Bank,
Fort Station Road,
Theppkulam Post,
Trichy 2.
 3. The President,
Tiruchirapalli District Central Cooperative Bank,
Fort Station Road,
Theppkulam Post,
Trichy 2.
 4. The President,
Tiruchirapalli District Central Cooperative Bank,
Aandimadam Branch, Ariyalur District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to disburse the Gratuity, General Provident Fund, Special Provident Fund and



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Encashment of Earned and Unearned Leave Salary and Pension Benefits with interest to the petitioner based on the representation dated 26.09.2019.

For Petitioner : Mr.C.Prabakaran
For R1 to R3 : Mr.S.Ravikumar
Special Government Pleader
For R4 : Mr.D.Shanmugaraja Sethupathi

ORDER

This writ petition has been filed for direction directing the respondents to disburse the Gratuity, General Provident Fund, Special Provident Fund and Encashment of Earned and Unearned Leave Salary and Pension Benefits with interest to the petitioner based on the representation dated 26.09.2019.

2. Heard both sides and perused the materials available on record.

3. The petitioner was appointed as an Assistant in the second respondent Bank on 07.05.1993. Subsequently, he was promoted to the post of Assistant Manager and finally he was promoted to the post of Manager and transferred to the fourth respondent branch. Once again, the petitioner was transferred to Ariyalur Branch as Field Manager and further transferred to Jayamkondam Branch in the year 2016. Thereafter, he had attained the age of superannuation and discharged from service alone on 30.01.2019.



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4. While the petitioner was working as Manager in the fourth respondent Bank, on certain allegations, enquiry was conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983. As per the enquiry report, surcharge proceeding was initiated as against the petitioner and recovered the amount due. On the basis of the enquiry report, criminal case has been registered as against the petitioner and others in Crime No.01 of 2017, on the file of the Inspector of Police, Commercial Crime Investigation Wing (CCIW), Perambalur.

5. After filing final report, it was taken into cognizance by the Trial Court in CC.No.53 of 2018, on the file of the Judicial Magistrate I, Ariyalur. In both the cases, the petitioner and others were ordered under the Probation of Offenders Act, 1958, on condition that the petitioner shall execute a bond. On the basis of the same, the petitioner submitted a representation to disburse the Gratuity, General Provident Fund, Special Provident Fund and Encashment of Earned and Unearned Leave Salary and Pension Benefits with interest. The petitioner was also not permitted to retire though he was discharged from his official duty on attainment of superannuation.



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6. In view of the above, the second respondent is directed to consider the request made by the petitioner in the light of the order passed by the criminal Courts, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

24.09.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J,



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