



W.P.No.13517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM:

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

W.P.No.13517 of 2024

K.Makendran

...Petitioner

-Vs-

1. The Principal Secretary to Government,
State of Tamil Nadu,
Fort St.George, Chennai – 600 009.
2. The Registrar,
Co-operative Societies,
N.V.Natarajan Maligai,
No.170, E.V.R.Periyar High Road,
Kilpaukkam, Chennai – 10.
3. The Registrar,
Co-operative Housing Societies,
Veperi, Chennai.
4. The Joint Registrar,
Co-operative Societies,
Coimbatore Region,
K K Pudur, Coimbatore – 641038.
5. The Deputy Registrar,
Co-operative Societies,
Pollachi Circle,
Pollachi – 642 001.



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6. The Deputy Registrar (Housing),
Co-operative Societies,
Chinthamani campus, North Kovai,
Coimbatore – 642 029.

7. The Inspector of Police,
Vigilance and Anti Corruption Department,
Coimbatore District.
(R7 Suo motu impleaded as per order
dated 04.06.2024 in
W.P.No.13517 of 2024)

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent authorities to consider the petitioner's representation dated 22.06.2022 and reminder representation dated 03.04.2024 in the light of G.O.Ms.No.81 dated 04.08.2022 issued by Human Resources management department and the same within such time as may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Sudhan

For R1 to R6 : Mr.M.P.Murugan Raja
Government Advocate

For R7 : Mr.C.Jayaprakash
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondent authorities to consider the



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petitioner's representation dated 22.06.2022 and reminder representation dated 03.04.2024 in the light of G.O.Ms.No.81 dated 04.08.2022 issued by Human Resources management department and the same within such time as may be stipulated by this Hon'ble Court.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had joined as Group II Officer in the Tamil Nadu Co-operative Subordinate Services. He was promoted to the post of Sub-Registrar of Co-operative Societies and subsequently, promoted to the post of Deputy Registrar of Co-operative Societies. He had attained the age of superannuation on 30.06.2017. However, one week prior to the date of his retirement, he was placed under suspension, by an order dated 23.06.2017, on the ground that the petitioner is facing grave charge. The petitioner was served with a charge memo dated 04.05.2016 alleging that there was financial loss caused to the Society by the petitioner. The petitioner, along with others colluded with each other and committed



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malpractices in the purchase of lands and the execution of Pill-Chinnampalayam Housing Scheme intended for the members of the society.

4. In this regard, a police complaint was also lodged and now, the petitioner is facing trial in Spl.C.C.No.3 of 2018, for the offences under Sections 167, 465, 468, 477A, 409, 467, 109, 406, 420, 471 read with Section 120(b) of IPC and Section 13(2) read with 13(1)(c) and (d) of Prevention of Corruption Act, 1988, on the file of the Special Judge, Special Court for Trial of Cases under Prevention of Corruption Act, Coimbatore. There are totally 47 witnesses, in which the prosecution had examined 7 witnesses so far.

5. Therefore, the representation submitted by the petitioner seeking to permit him to retire from service as per the guidelines issued under G.O.Ms.No.81 dated 04.08.2022 issued by Human Resources management department cannot be considered. Since the petitioner had attained the age of superannuation, G.O.Ms.No.81 dated 24.08.2022 is



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not applicable to the case of the petitioner, since the petitioner cannot be reinstated into service.

6. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed.

No costs.

03.07.2024

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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To

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