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W.P.No.6446 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.6446 of 2014

Additional Registrar, Special Officer, Management,
Tamil Nadu Co operative State,
Agriculture & Rural Development Bank Ltd.,
New No.181 & 183, Old No.79 and 0,
Luz Church Road, Mylapore,
Chennai – 600 004.

... Petitioner

Vs.

1. B.Sattayappan
 2. Joint Commissioner of Labour, Chennai
Labour Welfare Board Building,
6th Floor, Teynampet, Chennai -600 006.
 3. Assistant Commissioner of Labour,
Controlling Authority/Payment of Gratuity Act 1972,
Chennai.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to second respondent in order dated 14.07.2009 passed in P.G. Appeal No.2 of 2009, confirming the order dated 16.08.2008 passed by the third respondent in P.G.No.21 of 2007.



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For Petitioner : Mr.A.Arul Mozhi
For respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This writ petition has been filed calling for the records pertaining to second respondent in order dated 14.07.2009 passed in P.G. Appeal No.2 of 2009, confirming the order dated 16.08.2008 passed by the third respondent in P.G.No.21 of 2007.

2. The facts in brief as per the affidavit enclosed in the writ petition are as follows:

2.1. The first respondent was working as a Regional Manager at Sivagangai in the petitioner bank. He has committed serious irregularities in respect of issuance of loans to Dr.Gunasekaran for purchase of a scanner machine under Non farm sector loan scheme through Kallal Co-operative Primary Agriculture and Rural Development Bank. It is alleged that Dr.Gunasekaran availed the loan



on the security of some other person and the value of the lands offered as security was inflated and that the scanner machine was not purchased by the borrower and no delivery has taken place despite payment of the petitioner. There was also a default of the repayment of the loan.

2.2. An enquiry under Section 81 of the Tamil Nadu Co operative Societies Act was initiated against 8 persons including the first respondent were found responsible. On the basis of the enquiry report, the Deputy Registrar Co-operative Society, Karaikudi *vide* letter No.Na.Ka.No.3885/98Sa.Pa dated 21.10.2002 requested the petitioner not to settle the terminal benefits of the first respondent as criminal actions and surcharge proceedings were contemplated. On 13.11.2002, a show cause notice was issued to the first prior to initiation of disciplinary proceedings. However, on 30.11.2002, the first respondent was superannuated on attaining the age of superannuation and thereby, he was allowed to retire from duty on 30.11.2002 (A.N.) without prejudice to the pending disposal of allegations and disciplinary actions against him.



2.3. The explanation submitted by the first respondent to the memorandum dated 13.11.2002 was not convincing and thereby, a charge memo was issued to the first respondent on 17.02.2003. The disciplinary authorities have decided to conduct an enquiry. Accordingly, enquiry was conducted by giving full opportunity to the first respondent and finally enquiry report was submitted on 05.05.2006 holding that the charges leveled against the first respondent are proved.

2.4. In the similar lines in respect of the loss caused to the Society, surcharge proceedings were initiated by the Deputy Registrar, Co-operative Society, Karaikudi against the first respondent and others. After enquiry, proceedings were issued on 21.10.2002 for a sum of Rs.8,00,000/- with 19% interest from 27.03.1997 till the date of payment. The respondent challenged the said proceedings before this Court in W.P.No.5929 of 2004.

2.5. Simultaneously, the first respondent has filed P.G.No.195 of 2005 before the Controlling Authority under the payment of Gratuity Act for payment of gratuity. The said petition was allowed by the Controlling Authority *vide* order dated 16.06.2008. Aggrieved by the



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same, the petitioner has preferred an appeal and the said appeal was dismissed on 14.07.2001 by the second respondent. Aggrieved by the same, the petitioner Bank has preferred this writ petition.

3. Counter affidavit has not been filed by the first respondent.

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

5. When this matter was taken up for hearing, the learned counsel for the petitioner submitted that the Co-operative Primary Agriculture and Rural Development Bank has deposited the gratuity amount to be paid to the first respondent as per the orders of the Controlling Authority in P.G.No.195 of 2005 which was confirmed by the appellant authority in P.G.No.2 of 2009 dated 14.07.2001. This petition is filed for setting aside the orders passed by the appellant authorities. Since the petitioner Bank has already deposited the gratuity as ordered by the Controlling Authority and as confirmed by the appellate authority in P.G.No.2 of 2009 dated 14.07.2001 this writ petition becomes infructuous.



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6. In view of the above, there are no merits in this writ petition. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
Citation : Yes/No

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