



W.P.(MD).No.6026 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6026 of 2024

S.Somasundaram

... Petitioner

Vs.

The Joint Registrar of
Cooperative Societies,
Tirunelveli Region,
Tirunelveli.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to conclude the pending disciplinary proceeding and thereafter pass appropriate order allowing the petitioner to retire from service and consequently direct the respondent to grant pensionary, retirement and all other applicable monetary benefits to him along with interest by considering his representation dated 01.09.2022 and pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.E.Ilango

For Respondent : M/s.S.Shaji Bino
Special Government Pleader



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition has been filed seeking direction to the respondent to conclude the pending disciplinary proceeding and thereafter pass appropriate order allowing the petitioner to retire from service and consequently direct the respondent to grant pensionary, retirement and all other applicable monetary benefits to him along with interest by considering his representation dated 01.09.2022.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) The petitioner was initially appointed as Peon in the year 1972 ousted from service and thereafter appointed again as Peon in the year 1974. Thereafter, he was promoted as Junior Assistant in the year 1988, then promoted as Junior Inspector in the year 1996. Thereafter, he was promoted as



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Senior Inspector in the year 2002 and finally promoted as Cooperative Sub Registrar in the year 2011. While he was discharging his duty as Senior Inspector, he was given additional charge to the post of Special Officer, Tuticorin Melur Housing Society, Tuticorin from 22.12.2004 to 28.06.2005. That apart, he was given additional charge of four other societies as well. While so, he was visited with a charge memo dated 05.09.2011, after 6 years of holding the additional charge alleging that he had paid fees to the advocate and had failed in his duty in monitoring the disbursal of the loan to the beneficiaries. For which, the petitioner had given proper explanation on 16.03.2012 and not being satisfied with his explanation an enquiry was conducted.

(ii) The enquiry officer submitted his enquiry report dated 12.06.2013, holding that all the charges levelled against the petitioner as proved. Following which, the petitioner had submitted a detailed explanation for the said enquiry report on 23.07.2013. However, the petitioner attained the age of superannuation on 30.09.2013. But he was placed under suspension, vide



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proceedings of the respondent on 26.09.2013 and was not allowed to retire from service, vide proceedings of the respondent dated 30.09.2013.

(iii) The Surcharge order in S.C. 3 of 2011 dated 18.05.2012 has been passed against the petitioner with a direction to recover the balance of the misappropriated amount from the appellant only after recovering the loan amount with interest from the applicants/loanees. In the conclusion, the surcharge case and the criminal case, the petitioner made a representation dated 01.09.2022 to the respondent seeking to pass final orders in the pending disciplinary proceedings and allow him to retire from service. Since the same was not considered by the respondents, this writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent. Carefully perused the materials available on record.

5. Considering the limited scope of relief sought for by the petitioner, this Court hereby direct the respondent to conclude the pending disciplinary



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proceeding by considering his representation dated 01.09.2022 and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

12.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

The Joint Registrar of
Cooperative Societies,
Tirunelveli Region,
Tirunelveli.



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L.VICTORIA GOWRI, J.

Sml

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