



WP(MD) No.17207 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.17207 of 2020
and W.M.P.(MD)No.14395 of 2020

S.Francis Selvaraj

... Petitioner

Vs.

1.The Joint Registrar of Co-Operative Societies,
Sivagangai.

2.The Deputy Registrar of Co-Operative Societies,
Karaikudi, Sivagangai District.

3.The President,
R.T.145, T.N.S.T.C Employees Thrift
and Credit Society, 446 Anna Nagar,
Kovilur, Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, call for the records of the 3rd respondent in Na.Ka.1/2020 dated 29.02.2020 and quash the same as illegal and arbitrary and in consequence thereof direct the respondents to disburse the retirement benefits due to the petitioner with 12% interest.



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For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.D.Sasikumar,
Addl. Govt. Pleader.

ORDER

This Writ Petition is filed challenging the proceedings in Na.Ka. 1/2020 dated 29.02.2020 issued by the third respondent relieving the petitioner from service, while not permitting him to retire on attaining the age of superannuation on the ground that the criminal proceedings are pending against him besides the disciplinary proceedings.

2. When the matter is taken up for consideration on 12.02.2024, this Court having considered the submissions made on either side passed the following order:

“Through the impugned order, the petitioner was relieved from service, while not permitting him to retire from service on attaining the age of superannuation on the ground that certain criminal case is pending against the petitioner.



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2. From the counter affidavit filed by Respondent No.2, it is noticed that the petitioner was convicted in a criminal case and subsequently was released under Probation Offenders Act, 1958. However, nothing is stated in the counter affidavit as to whether any orders are passed imposing any punishment on the petitioner or permitting him to retire from service or granting or refusing to grant the retirement benefits to the petitioner. Hence, the learned Special Government Pleader is directed to get latest information by the next date of hearing.

3. Learned counsel for the petitioner shall also get instruction from the petitioner.

4. Post on 21.02.2024.”

3. Today, when the matter is taken up for consideration, it is brought to the notice of this Court that, the respondent No.3 after having considered the report submitted under Section 81 of the Tamil Nadu Co-operatives Act, 1983 issued a charge memo to the petitioner in proceedings No.ந.க. 02/2024/ ஒ.ந 08.02.2024 and the explanation from the petitioner is awaited. It is further submitted by the learned Government Advocate appearing for the respondent No.3 that as soon as the disciplinary proceedings initiated pursuant to the charge memo dated 08.02.2024 are



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concluded, the respondent No.3 would pass appropriate orders in respect of the terminal benefits payable to the petitioner.

4. Considering the fact that the petitioner has already retired from service as early as in the year 2020, this Court is of the considered view that it would be necessary that the respondent No.3 conclude the disciplinary proceedings initiated by issuing charge memo dated 08.02.2024 as expeditiously as possible.

5. Accordingly, this Writ Petition is disposed of directing the respondent No.3 to conclude the disciplinary proceedings initiated by issuing charge memo dated 08.02.2024, as expeditiously as possible at any rate, within a period of three months from the date of receipt of a copy of this order. The petitioner is also directed to co-operate for conclusion of the disciplinary proceedings. If the petitioner intends to submit any explanation /additional explanation in response to the charge memo dated 08.02.2024, he shall submit the same within a period of one week from the date of receipt of a copy of this order.



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6. Insofar as the claim of the petitioner for release of gratuity, encashment of earned leave, provident fund etc., are concerned, the petitioner is granted liberty to make a representation before the respondent No.3 for release of the amounts covered by the above heads and in case, if the petitioner makes any such representation, the respondent No.3 shall consider the same and pass appropriate orders within a period of two weeks from the date of receipt of such representation by the petitioner. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.03.2024

NCC : Yes/No
Index : Yes/No

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MUMMINENI SUDHEER KUMAR, J.

vsm

To

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Sivagangai.
- 2.The Deputy Registrar of Co-Operative Societies,
Karaikudi, Sivagangai District.

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