



WP(MD) No.16437 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16437 of 2024

and

W.M.P.(MD) No.14245 of 2024

P.Raman

... Petitioner

Vs.

1.Administrator / Joint Registrar,
Tiruchirappalli District Central Co-operative Bank Ltd.,
Head Office No.2,
Fort Station Road,
Tiruchirappalli – 620 002.

2.The Joint Registrar,
O/o.The Joint Registrar of Cooperative Societies,
Government Multi purpose Building,
Kajamalai,
Tiruchirappalli – 620 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order dated 12.01.2024 in No. 768/2022-23 N2 passed by the 1st respondent and quash the same and consequently direct the respondents to refund the amount of



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Rs.10,64,626/- which was deducted by the impugned order and to pay the same along with the statutory interest from 31.01.2024.

For Petitioner : Mr.I.Suthakaran
For Respondents : Mr.D.Shanmugaraja Sethupathi (R1)
Mr.K.S.Selva Ganesan (R2)
Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the order dated 12.01.2024, through which, some portion of the petitioner's terminal benefits to the tune of Rs.10.64,626/- has been withheld on account of the loss caused by the petitioner during his service as the Branch Manager of the first respondent bank.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the first respondent submitted that the petitioner retired on 31.01.2024 and the aforesaid amount has been withheld from the terminal benefits of the petitioner



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without even any notice to him. It is further submitted that the petitioner is not liable to pay any amount to the respondents and at the time of retirement also, there was no surcharge proceedings pending against him. Even the respondents did not state that there was no surcharge proceedings pending against the petitioner.

4. The learned counsel appearing for the first respondent also submitted that it is neither claimed by the respondents that the amount has been determined as the loss caused by the petitioner to the first respondent society. The petitioner claims that as per the proceedings of the first respondent dated 31.01.2024, Rs.25,46,151/- was arrived towards his terminal benefits, out of which Rs.10,64,626/- has been withheld. Whenever a person is allowed to retire and the proceedings issued for his terminal benefits, it presumes no due.

5. The learned counsel appearing for the petitioner stated that in the instant case, the petitioner has been allowed to retire without any condition on the date of his superannuation ie., with effect from 31.01.2024 and the petitioner has been relieved from his service on



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31.01.2024, in pursuant to the permission so given. Having remained silent till the retirement of the petitioner, the respondents have come out with the impugned order stating that the petitioner is liable to pay a sum of Rs.10,64,626/-. Even the impugned order does not show on what footing, the amount has been determined as loss caused by the petitioner. Hence the petitioner has filed this writ petition with the aforesaid prayer.

6. The learned counsel appearing for the respondents submitted that in pursuant to the detailed report of the Junior Cooperative Auditor dated 15.06.2020, an enquiry has been initiated to take surcharge proceedings against the petitioner, pursuant to which, some portion of the petitioner's retirement benefits has been detained. It is also stated that the petitioner was not given with any notice at any point of time that he had caused any loss to the society.

7. Infact, even the alleged inspection pertains to the year 2020 and from that onwards, no action has been initiated against the petitioner. It was also conceded that the petitioner was not given with



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any notice at any point of time that he had caused any loss to the society.

On that score, no disciplinary action has also been initiated against him sofar.

8. It is needless to state that as against the persons who are nearing retirement, any pending disciplinary action should be completed as per the guidelines given by the Government in this regard. Even if it is claimed by the respondents that the respondents adopt any Government Order in this regard, speedy action is expected by a person who is nearing retirement, in view of the principles of equity and natural justice. Even in respect of the surcharge amount pending to be recovered against an employee of the society, that has to be recovered as revenue to the Government by adopting revenue recovery proceedings as per law. The petitioner is deprived of withholding some portion of the terminal benefits and hence, the impugned order is liable to be set aside.

9. In view of the above, the impugned order of the first respondent dated 12.01.2024 is set aside and this writ petition is allowed



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accordingly. No costs. Consequently, connected miscellaneous petition is closed.

22.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
sm



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WEB COPY **TO:-**

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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.16437 of 2024

22.07.2024