



WP(MD) No.17667 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.17667 of 2024

L.Mannan

... Petitioner

Vs.

1. The Joint Registrar of Cooperatives,
Madurai Region,
Madurai..

2. The Circle Deputy Registrar of Co-Operatives,
Madurai,
Madurai District.

3. The Administrator,
A-2494, Saraguvalayapatti Primary
Agriculture Co-Operative Credit Society,
Saraguvalayapatti,
Melur Taluk,
Madurai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the petitioner retirement benefits on the basis of the petitioner's retirement order, dated 31.05.2024.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Mandamus, directing the respondents to disburse the petitioner's retirement benefits on the basis of the petitioner's retirement order, dated 31.05.2024.

2. Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate appearing for the respondents.



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3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner, who was allowed to retire on 31.05.2024 as a Secretary on attaining the age of superannuation, has been given with charges subsequently, on 09.07.2024, on the allegation that the petitioner had failed to execute the orders of the jurisdictional Deputy Registrar and that his promotion itself has been irregular.

5. The attention of this Court was drawn to the recommendation of the Administrator-3rd respondent, dated 27.05.2024, wherein, it is stated that no disciplinary proceedings are pending against the petitioner and there is no scope for initiating any such action in future also, as the petitioner do not have any due. Having found that the petitioner did not commit any lapses initiating disciplinary action, now the impugned order has been given for initiating action.

6. However, the learned Government Advocate submitted that the letters sent by the third respondent on 26.05.2024 is only a



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recommendation, pursuant to which, no order has been passed permitting the petitioner to retire from service on attaining the age of superannuation, as on 31.05.2024.

7. However, the petitioner has been given with only notice and no action has been taken so far. Having got a positive recommendation from the third respondent, it appears that the show-cause notice has been issued to the petitioner in a belated manner at the verge of his retirement. The third respondent has made the recommendation and issued the impugned order in complete contradiction to his earlier recommendation.

8. As the petitioner has not been given with any charges any time before and he attained the age of superannuation, it is appropriate on the part of the respondents to consider the representation of the petitioner positively and pass orders allowing him to retire from service.

9. In view of the same, this this writ petition is **disposed of** and the respondents are directed to consider the representation of the



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petitioner positively and pass orders allowing him to retire from service within a period of four weeks from the date of receipt of a copy of this order. No costs.

29.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

To

1. The Joint Registrar of Cooperatives,
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Madurai..

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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.17667 of 2024

29.07.2024