



W.A(MD)No.1782 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1782 of 2024  
and  
C.M.P.(MD)Nos.13606 and 13608 of 2024**

The Administrator,  
A.3101, Madurai Milk Project  
Employees,  
Co-operative Thrift and Credit  
Society Limited,  
Sathamangalam,  
Madurai-625 020.

... Appellant / 3<sup>rd</sup> Respondent

-VS-

1.K.Pandi

... 1<sup>st</sup> Respondent/ Writ Petitioner

2.The Joint Registrar of Co-operative  
Societies,  
O/o. The Joint Registrar of  
Co-operative Societies,  
Madurai Region,  
Madurai.

3.The Deputy Registrar of Co-operative  
Societies,  
O/o. The Deputy Registrar of  
Co-operative Societies,  
Madurai Circle, Madurai.

... Respondents 2 & 3/ Respondents 1 & 2

**PRAYER:** Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 26.06.2024 in W.P.(MD)No.13587 of 2024.



**W.A(MD)No.1782 of 2024**

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For Appellant : Mr.Suresh Kumar

For R-1 : Mr.D.Shanmugaraja Sethupathi

For R-2 & R-3 : Mr.P.T.Thiraviyam,  
Government Advocate

### **JUDGMENT**

**[Judgment of the Court was made by R.SUBRAMANIAN, J.]**

Challenge is to the order of the writ Court directing the appellant to issue No Due Certificate to the 1<sup>st</sup> respondent, since he had already attained superannuation.

2. The 1<sup>st</sup> respondent sought for a Writ of Mandamus to issue No Due Certificate in respect of the membership 1799 to enable him to retire from service from 31.07.2024. The same was contested by the appellant claiming that surcharge proceedings have been taken and an award has been made against the 1<sup>st</sup> respondent under Section 87 of the Co-operative Societies Act. The writ Court followed the earlier judgment of this Court in W.P.25923 of 2021 wherein it was held that terminal benefits cannot be withheld because of a surcharge award that has been passed against the employee. The same view has been expressed by a Division Bench of this Court in **Registrar Cooperative Societies (Housing) .vs. R.Paneerselvam made in W.A.No.61 of 2022 dated 09.03.2022.**



**W.A(MD)No.1782 of 2024**

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3. In view of the above settled position of law, we do not see any reason to interfere with the order of the writ Court. The Writ Appeal, therefore, fails and it is accordingly, dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**[R.S.M., J.]**

**[L.V.G., J.]**

**16.10.2024**

NCC :Yes/No

Index :Yes/No

Internet: Yes

Sml

To

- 1.The Joint Registrar of Co-operative Societies,  
O/o. The Joint Registrar of Co-operative Societies,  
Madurai Region,  
Madurai.
- 2.The Deputy Registrar of Co-operative Societies,  
O/o. The Deputy Registrar of Co-operative Societies,  
Madurai Circle, Madurai.



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**W.A(MD)No.1782 of 2024**  
**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

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**W.A(MD)No.1782 of 2024**

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