



W.A.Nos.2817 & 2819 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 25.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.Nos.2817 & 2819 of 2025

and

C.M.P.Nos.22874 & 22880 of 2025

The Special Officer,
ZA-82-Radhamangalam Primary,
Agricultural Co-operative Bank Ltd.,
Thevur,
Nagapattinam District.

... Appellants in both cases

-Vs-

P.Pakirisamy Pillai (Deceased)

1. P.Saraswathi

2. P.Sivasundaramoorthi

3. P.Sivakarhikeyan

4. The Deputy Registrar of Co-operative Societies,
Nagapattinam and District.

... Respondents



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in W.A.No.2817 of 2025

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P.Pakirisamy Pillai (Deceased)

1. P.Saraswathi
2. P.Sivasundaramoorthi
3. P.Sivakarthikeyan
4. The Assistant Commissioner of Labour,
(The Authority under the Tamil Nadu
Payment of Subsistence Allowance Act, 1981),
Trichirapalli and District.
5. The Deputy Commissioner of Labour,
The Appellate Authority under the Tamil Nadu
Payment of Subsistence Allowance Act, 1981),
Trichirapalli and District.
6. The District Collector,
Nagapattinam District,
Nagapattinam.

... Respondents
in W.A.No.2819 of 2025

COMMON PRAYER : Appeals filed under Clause XV of Letters Patent,
against the order dated 17.12.2024 in W.P.Nos.21250 & 21251 of 2014.

For Appellants
in both cases :

Mr.K.Senthil Kumar



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For Respondents : Mr.S.Ravikumar
Special Government Pleader for R4
in both cases

Mr.E.Vijay Anand
Addl. Govt. Pleader for R5 & R6
in W.A.No.2819 of 2025

COMMON JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

These intra Court appeals have been directed against the orders dated 17.12.2024 made in W.P.Nos.21250 & 21251 of 2014.

2. One P.Pakirisamy was the original writ petitioner in both the writ petitions before the writ Court. He was an employee of the appellant Society. He was appointed as Watchman in the Society called 'Radhamangalam Primary Agricultural Co-operative Bank Limited, Thanjavur'. He joined duty on 01.07.1970 and was regularised on 01.07.1983. He was working as such till 2002. He was placed under suspension on 11.07.2002 followed by a charge memo which was issued on 19.07.2002.



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3. For the said charge memo, a reply was given on 13.08.2002, not satisfied with the reply, an enquiry was contemplated by appointing an Enquiry Officer who conducted a preliminary enquiry and submitted a report on 01.10.2002 holding that the charges are proved.

4. In the meanwhile, since subsistence allowance had not been paid to the original writ petitioner, he had filed an application before the statutory authority under the Tamil Nadu Payment of Subsistence Allowance Act, 1981 (hereinafter referred to as 'the Act').

5. The said application dated 21.03.2006 filed by the original writ petitioner before the Assistant Commissioner of Labour, Trichy was allowed by allowing the subsistence allowance payable to the writ petitioner from 11.07.2002, i.e., date of suspension till 09.05.2005 and an award to that effect came to be passed on 13.07.2006 whereby the employer was directed to pay the subsistence allowance of Rs.1,67,255/-. Immediately the amount has not been paid and no appeal has been filed. However after a lapse of four years, appeal



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has been filed by the employer before the Deputy Commissioner of Labour,

Trichy in Appeal No.3 of 2006 which was also dismissed by the Appellate Authority on 14.09.2012 confirming the award. Thereafter, the Assistant Commissioner of Labour had issued a certificate under Section 4 of the Act authorising the District Collector, Nagapattinam, to recover the said amount of Rs.1,67,255/- under the Revenue Recovery Act. Since the same has not been executed, he had filed the writ petition in W.P.No.21251 of 2014 seeking a direction to the fourth respondent therein, i.e., District Collector, Nagapattinam District to recover the amount under the Revenue Recovery Act, 1890.

6. In the meanwhile, the original writ petitioner attained the age of superannuation on 30.06.2008 and since no final order had been passed in the disciplinary proceedings initiated against him till the date of his superannuation or retirement, he had filed another writ petition, i.e., W.P.No.21250 of 2014 challenging the suspension order dated 11.07.2002 and also for consequential direction to reinstate and permit the petitioner to retire from service on superannuation, i.e., 30.06.2008 and to settle all the terminal and pensionary benefits.



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7. This is how both these writ petitions came to be filed before the writ

WEB COPY Court which were grouped together and disposed by the common order which is impugned herein dated 17.12.2024.

8. The learned Judge having considered the factual matrix and after hearing both sides was pleased to allow both the writ petitions by giving following directions:

"28. In view of the above deliberations, the following directions are issued:-

(i) The first respondent society is directed to deposit the award amount before the third respondent appellate authority (after deducting 50% if already deposited), within a period of four (4) weeks from the date of receipt of a copy of this order and on making such deposit, the petitioners are at liberty to file necessary application before the third respondent for withdrawal of the same;

(ii) The petitioners shall make a representation before the Deputy Registrar of Co-operative Societies, Nagapattinam, within a period of eight (8) weeks from the date of receipt of a copy of this order submitting the claim along with all



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necessary calculations in respect of the terminal benefits

which are due and payable to the deceased petitioner;

(iii) On receipt of the claim made by the petitioners, the Deputy Registrar of Co-operative Societies, Nagapattinam, is directed to consider the claim of the petitioners after affording an opportunity to both the parties and pass necessary orders in light of the observations made in this order, within a period of twelve (12) weeks from the date of receipt of the claim.

29. With these observations and directions, these Writ Petitions are disposed of. Consequently, connected Miscellaneous Petition is closed.

30. There shall be no order as to costs."

9. Challenging the same, the present appeals have been filed by the Society, i.e., Special Officer, ZA-82-Radhamangalam Primary Agricultural Co-operative Bank Limited. Though the learned counsel made an attempt stating that atleast for finding the superannuation date since the stand of the Bank was that his superannuation date is 2004, i.e., 31.03.2004, it has been accepted, the date of 30.06.2008 as claimed by the original writ petitioner for



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which absolutely there has been no basis and therefore, the direction given to

that effect to pay the subsistence allowance till the superannuation date, i.e.,

30.06.2008 is an erroneous one. He would also canvass the point that the

appellant Bank is financially struggling, therefore if the benefits as directed by

the writ Court through the impugned order are provided to the legal heirs of the

deceased employee, i.e., original writ petitioner, the appellant Bank would

further plunge into financial crises, therefore, that ground also should weigh the

mind of the Court while deciding the writ petitions, however these aspects have

not been considered in proper perspective by the learned Judge through the

impugned order, therefore the impugned order warrants interference at the

hands of the Division Bench, he contended.

10. Mr.S.Ravi Kumar, learned Special Government Pleader appearing for the fourth respondent, i.e., Deputy Registrar of Co-operative Society relying upon the written instructions dated 24.09.2025 has submitted that since the writ petitions have been filed and subsequently, writ appeals also were filed, because of the pendency of those cases, the disciplinary proceedings could not be



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concluded.

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11. We have considered the submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

12. There were two factors which cannot be disputed. One is that, after completing the disciplinary proceedings, no final order was passed till the superannuation of the employee. Secondly, it is a fact that the employee, i.e., original writ petitioner is no more and only the legal heirs of him were before the writ Court. If that being so, against the deceased employee, no disciplinary proceedings further could be proceeded assuming that the employee was not permitted to retire.

13. However, herein the case in hand, the learned Judge has given elaborate discussions about how he has come to such a conclusion that, his superannuation date is 30.06.2008 and not 31.03.2004 as claimed by the Society, i.e., employer.



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14. Insofar as the payment of subsistence allowance for the period from

11.07.2002 to 09.05.2005 is concerned, an award was passed by the concerned authority namely, the Assistant Commissioner of Labour, Trichy and the said award was appealed belatedly after four years which was also confirmed by the order of the Deputy Commissioner of Labour dated 14.09.2012, therefore that order has become final, hence the deceased employee, i.e., original writ petitioner since was entitled to get the subsistence allowance, the said direction given through the impugned order cannot be successfully assailed.

15. Insofar as seeking permission to retire and to pay retiral and pensionary benefits as claimed in W.P.No.21250 of 2014 is concerned, till he attains superannuation, i.e., on 30.06.2008 since no order was passed in the disciplinary proceedings, after 30.06.2008 the employer-employee relationship has ceased to be there, and no further proceedings can be initiated against the original writ petitioner / erstwhile employee of the Bank. Therefore, in that case also, suitable directions were given as extracted herein above, hence allowing both the writ petitions through the impugned order is a well considered and



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reasoned one, therefore, it does not warrant any interference at the hands of the

Division Bench, therefore, both the Writ Appeals are liable to be dismissed,

accordingly, they are dismissed. The needful as directed above by the learned

Judge through the impugned order shall be complied with by the appellant

Society within a period of two months from the date of receipt of a copy of this

judgment. However, there shall be no order as to costs. Consequently, connected

miscellaneous petitions are closed.

(R.S.K., J.) (H.C., J.)

25.09.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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