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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 05.08.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE K. SURENDER**

**WP No. 25807 of 2016**

G.Karunanidhi,  
3/96, South Street, Paravaakottai-614 015,  
Mannarkudi Taluk, Thiruvarur District.

....Petitioner(s)

Vs

The President,  
T, 1453, Paravaakottai P.A.C.C.S Ltd.,  
Paravaakottai Post, Mannarkudi Taluk,  
Thiruvarur District.

Respondent(s)

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order dated 20.04.2016 issued by the respondent and quash the same and direct the respondent to disburse the amounts mentioned in the petitioner's representation dated 05.04.2016 with 12% interest per annum for the abnormal delayed payment, from the next day of the date of order of dismissal i.e., 16.02.2008 to the date of actual disbursement of the claims.

For Petitioner : Mr.G.P.Arivuchudar

For Respondents : Mr.L.P.Shanmugasundaram

**ORDER**



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This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order dated 20.04.2016 issued by the respondent and quash the same and direct the respondent to disburse the amounts mentioned in the petitioner's representation dated 05.04.2016 with 12% interest per annum for the abnormal delayed payment, from the next day of the date of order of dismissal i.e., 16.02.2008 to the date of actual disbursement of the claims.

2. The case of the petitioner is that he was employed in the respondent Bank from the year 1972, while so, he came to be placed under suspension on 27.07.2005 based on the allegation that the petitioner being found to have misappropriated the amounts along with the other employees. Criminal cases were also registered against him on 25.09.2005 by the Thiruvavarur Economic Offences Wing. Meanwhile, the respondent Bank initiated disciplinary proceedings against the petitioner and issued a charge memo on 15.01.2006, for which a detailed explanation was given.

3. On 15.02.2008, after enquiry, the petitioner was imposed with a punishment of dismissal from the services of the respondent Bank. The said



dismissal was upheld by the Joint Registrar, Co-Operative Department, Government of Tamilnadu, Thiruvarur, who is the Appellate Authority.

4.The petitioner approached the respondent Bank and sought for the following amounts:

| <i>S.No</i> | <i>Claim Details</i>                                       | <i>Amount</i> |
|-------------|------------------------------------------------------------|---------------|
| 1           | Security Deposit                                           | Rs.500/-      |
| 2.          | Bonus for the year 2004-2005                               | Rs.3,500/-    |
| 3.          | Encashment of Earned Leave for 180 days                    | Rs.56,226/-   |
| 4.          | Arrears of Pay and Allowance from 01.11.2004 to 27.07.2005 | Rs.83,016/-   |
| 5.          | Gratuity                                                   | Rs.66,871/-   |
| 6.          | LIC Surrender                                              | Rs.34,673/-   |
| 7.          | Employees Provident Fund                                   | Rs.3,64,209/- |
|             | Total                                                      | Rs.6,08,995/- |

5.In reply to the representation made by the petitioner, the respondent Bank replied that the above said amounts cannot be given in view of the criminal cases, which were pending against the petitioner before the Court of Judicial Magistrate II, Mannargudi, Thiruvarur District.

6.The learned counsel for the petitioner would submit that the only impediment for not disbursing the above said tabulated amounts is pendency



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of the criminal proceedings before the learned Judicial Magistrate II, Mannargudi. However, the learned Judicial Magistrate II, by judgment, dated 03.05.2021, has acquitted the petitioner and others, who were involved in the said criminal cases, which were taken on file vide CC Nos.263 & 264 of 2008.

7.The learned counsel for the respondent would submit that the respondent Bank is now running in loss and also submitted that the amounts cannot be parted with on account of the present condition of the respondent Bank.

8.The only ground on which, the above said amounts were refused to be paid to the petitioner is pendency of two criminal cases before the learned Judicial Magistrate II at Mannargudi, Tiruvarur District and when both the criminal cases have already ended in acquittal, withholding of the above said amounts payable to the petitioner, cannot be sustained.

9.Accordingly, this Writ Petition is allowed and the impugned order dated 20.04.2016 issued by the respondent is hereby quashed. The



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respondent is directed to pay the amounts, outstanding of Rs.6,08,995/- to the petitioner with interest @ 6% p.a. from the date of the judgment passed in the criminal cases till the date of payment, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

**(K. SURENDER, J.)**

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Index : Yes/No

Speaking order: Yes/No

To

The President,  
T, 1453, Paravaakottai P.A.C.C.S Ltd.,  
Paravaakottai Post, Mannarkudi Taluk,  
Thiruvarur District.

**K. SURENDER, J**



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