



WP No. 20669 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

WEB COPY

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

**WP No. 20669 of 2021
and WMP.Nos.10130 & 10131 of 2025**

1. S.Sundarambal
D/o.Subramaniam, Lakshmi Nagar,
Kuppikadu, Kasipalayam post,
Gobichettipalayam Taluk,
Erode - 638 454

Petitioner(s)

Vs

1. The Registrar of Cooperative
No.170, N.V.Natarajan Maaligai,
Poonamallee High Road, Kilpauk,
Chennai - 600 010

2.The Joint Registrar of Co-operative
societies
Erode Region, Erode,
Erode District.

3.K 711, Kasipalayam Primary
Agriculture Co-operative society
Rep by its President, Kasipalayam post,
Gobichettipalayam Taluk,
Erode - 638 454.

Respondent(s)



WEB COPY Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, to direct the 1st and 2nd respondents reinstate the petitioner at 3rd respondent society based on the petitioner representations dated 6.3.2019 and 12.3.2019 with all service and monetary benefits within a reasonable time may be fixed by this Honourable Court.

For Petitioner(s): Mr. C.P.Shanmugasundaram

For R1 and R2: Mr.K.Tamilvendhan, Government Advocate

For R3: Mr.S.Arumugam

ORDER

This Writ Petition is filed to direct the 1st and 2nd respondents to reinstate the petitioner in the 3rd respondent society, based on the petitioner's representations' dated 06.03.2019 and 12.03.2019 with all service and monetary benefits within a reasonable time to be fixed by this Honourable Court.

2.The petitioner was appointed as a Salesman in the third respondent



WEB COPY

society in the year 1989. Thereafter the petitioner was promoted as a Clerk cum Secretary (in-charge). The petitioner was placed under suspension by the third respondent, on 07.03.2017, and thereafter a charge memo was issued on 12.04.2017, containing 13 charges. A domestic enquiry was conducted and the Enquiry Officer, submitted his report to the third respondent on 17.08.2017. The third respondent pursuant to the Enquiry Report, without even calling for the petitioner's explanation to the Enquiry Officer's report, passed the impugned termination order on 27.11.2017. The petitioner preferred revision under Section 153(1) of the Tamil Nadu Co-operative Societies Act, 1983, before the second respondent. The second respondent vide order dated 22.02.2019, set aside the order of termination, modified the punishment into one of stoppage of increment for a period of one year with cumulative effect, and further directed the third respondent to reinstate the petitioner in service. The third respondent aggrieved by the 2nd respondent's aforesaid order challenged the same in W.P.No.13628 of 2019. Meanwhile, as the third respondent did not comply with the second respondent's order dated 22.02.2019, the petitioner submitted a representation on 06.03.2019, seeking reinstatement. The petitioner



thereafter sent another representation on 12.03.2019, and as there was no

response to both the representations by the respondents, the petitioner filed the

above writ petition for the aforesaid relief.

3. When the matter was taken up for hearing the learned Government Advocate appearing for the respondents on the basis of the written instruction dated 13.07.2023, submitted that in pursuance of the order of this Court dated 25.04.2022 in WMP.No.121 of 2022 in W.P.No.13628 of 2019, the petitioner was paid a sum of Rs.6,08,904/- towards 17-B wages. The learned Government Advocate submitted that the writ petition filed by the third respondent in W.P.No.13628 of 2019 was dismissed on 24.01.2025. The learned Government Advocate further submitted that the petitioner retired from service on 30.05.2022, hence nothing survived for adjudication in the writ petition.



WEB COPY

4. The learned counsel for the petitioner conceded that the petitioner retired from service on 30.05.2022. The learned counsel for the petitioner however further submitted that the petitioner submitted a representation on 05.02.2025, for settlement of his terminal benefits and balance of 17(b) wages, and so suitable directions should be issued to the respondents to settle the terminal benefits of the petitioner on the basis of the petitioner's representation dated 05.02.2025, within a time frame fixed by this Court.

5. As the petitioner retired from service on 30.05.2022, the prayer for reinstatement sought for in the writ petition cannot be granted. During the pendency of the Writ Petition in W.P.No.13628 of 2019, the respondents were directed to pay a sum of Rs.6,08,904/- towards 17(b) wages which was paid by the respondents. The writ petition in W.P.No.13628/2019 was later dismissed by this Court on 24.01.2025. Therefore in my view the petitioner is entitled for the terminal benefits including the balance of 17-B wages. As the petitioner has submitted a representation on 05.02.2025, for settlement of his terminal benefits and balance of 17-B wages, I deem it fit to direct the third respondent to



consider the petitioner's representation dated 05.02.2025, on merits and in accordance with law and pass orders, within a period of four weeks from the date of receipt of a copy of this order.

WEB COPY

6. With the above direction, this Writ Petition stands disposed of.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

15-04-2025

ah

Index: Yes/No

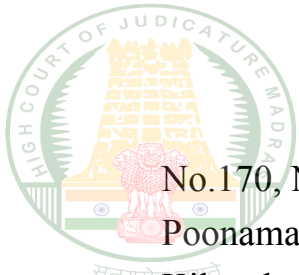
Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Registrar of Cooperative



No.170, N.V.Natarajan Maaligai,
Poonamallee High Road,
Kilpauk,
Chennai - 600 010.

2.The Joint Registrar of Co-operative
societies

Erode Region, Erode,
Erode District.

3.K 711, Kasipalayam Primary
Agriculture Co-operative society
Rep by its President, Kasipalayam post,
Gobichettipalayam Taluk,
Erode - 638 454.



WEB COPY

WP No. 20669 of 2021



N.MALA J.
ah

WP No. 20669 of 2021

15-04-2025