



W.P. No. 25853 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 25853 of 2018

R.Srinivasa Ragavan

... Petitioner

-vs-

1. The Director of Handloom and Textiles
Kuralagam II Floor
Chennai-600018.

2. The Accountant General, (A&E)
Tamil Nadu Circle
361, Anna Salai
Chennai-600018.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned orders passed by the first respondent in Na.Ka.No.8126/2016/E3 dated 28.04.2016, quash the same insofar it relates to the imposing of a condition that the orders are passed "without prejudice to the result of pending inquiry under Section 81 of the Tamil Nadu Co-operative Societies Act against the petitioner" and consequently direct the respondents to sanction and settle the Regular Pension, Death-cum-Retirement Gratuity etc., with 12% interest from the date of retirement on 30.04.2016 within a reasonable period fixed by this Court.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.T.Chezhian, AGP (R1)
Mrs.J.Srividhya, Standing Counsel (R2)



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ORDER

This writ petition has been filed to call for the entire records pertaining to the orders passed by the first respondent in Na.Ka.No.8126/2016/E3 dated 28.04.2016, quash the same insofar it relates to the imposing of a condition that the orders are passed "without prejudice to the result of pending inquiry under Section 81 of the Tamil Nadu Co-operative Societies Act against the petitioner" and consequently, direct the respondents to sanction and settle the Regular Pension, Death-cum-Retirement Gratuity etc., with 12% interest from the date of retirement on 30.04.2016 within a reasonable period fixed by this Court.

2. Heard Mr.K.Premkumar, learned counsel for the petitioner and Mr.T.Chezhian, learned Additional Government Pleader for the first respondent and Mrs.J.Srividhya, learned Standing Counsel for the second respondent and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner, who was working as Textile Control Officer in the first respondent - Co-operative Society in the S.A.144-Sowdeswari Silk Weavers Co-operative Society and S.A.89-Murugan Handloom Silk Weavers Co-operative Society, has attained the age of superannuation on 30.04.2016.



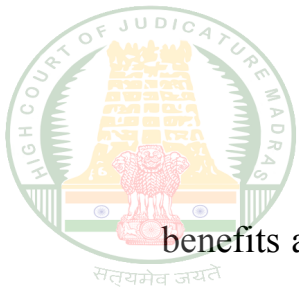
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Two days prior to his retirement on 28.04.2016, he was allowed to retire from service with effect from 30.04.2016, but subject to the pending Section 81 proceedings in respect of the allegations of loss of revenue caused to the Society while he was working as Textile Control Officer at S.A.161-Virudasampatti Women Cotton Silk Co-operative Society. The petitioner has filed this writ petition challenging that part of the order, where it is stated that the petitioner was allowed to retire from service subject to Section 81 proceedings.

4. The learned counsel for the petitioner submitted that the petitioner was not even aware of the allegations of loss until the petitioner has not been given with any charge. Neither disciplinary proceedings has been initiated against the petitioner nor surcharge proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act is pending. Even though the petitioner has attained the age of superannuation on 30.04.2016 and 81 proceedings said to be pending during the relevant point of time, it is not known whether it has come to an end.

5. The learned counsel for the petitioner further submitted that the petitioner was deprived to get his terminal benefits and he was kept under the dark for several years without even knowing the reason as to why his terminal



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benefits are withheld and why Section 81 proceedings is going to be conducted

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6. Even though hefty charges that has affixed his unauthorized signature and issued cheque, after the date of his superannuation is involved, no action has been initiated against the petitioner sofar. In fact, the petitioner was also not placed under suspension during his service, at any point of time. As the petitioner has not been given with any information about the 81 proceedings that it has not attained the finality sofar, I feel that an appropriate direction be given.

7. In view of the above stated reasons, this writ petition is disposed. The first respondent is directed to conclude the 81 proceedings, if any, within a period of four weeks from the date of receipt of a copy of this order or if there is no 81 proceedings pending, to release the terminal benefits of the petitioner forthwith. No costs.

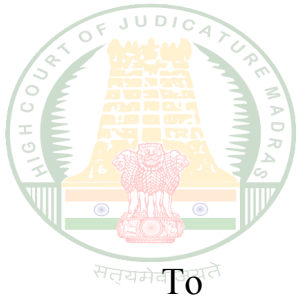
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Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

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To
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R.N.MANJULA, J.

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