



W.P.(MD)No.1596 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.1596 of 2025

and

WMP (MD) Nos.1140 and 1141 of 2025

P.Ramachandran

: Petitioner

Vs.

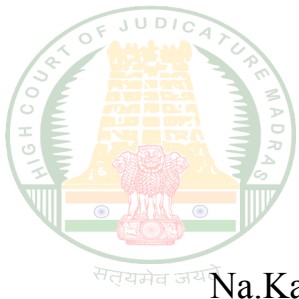
1. The Joint Registrar of Co-Operatives,
Dindigul Region, Dindigul.

2. The Circle Deputy Registrar
Of Co-Operatives,
Dindigul,
Dindigul District.

3. The Administrator,
DD 550, Muthanampatti Primary
Agriculture Co-Operative Credit Society,
Muthanampatti,
Dindigul Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in



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Na.Ka.5229/2024/Ve Se Sa (Po.Pa.Ni) (1) dated 31.12.2024 and Na.Ka.5229/2024/Ve Se Sa (Po.Pa.Ni) (2) dated 31.12.2024 and quash the same and consequently directing the respondents to disburse his all retirement monitory benefits within time stipulated by this Honourable Court.

For Petitioner : Mr. C.Jeganathan

For Respondents : Mr.K.Balasubramani

Spl. Government Pleader

ORDER

The writ petition has been filed challenging the suspension order passed by the first respondent dated 31.12.2024 and consequently, to direct the respondents to disburse his all retirement and monitory benefits.

2. The learned counsel for the petitioner submits that the petitioner was appointed as Secretary on 16.07.1986 in the third respondent Society through the Employment Exchange and had been serving for the past 38 years until his superannuation on 31.12.2024. Pursuant to an allegation that the petitioner had issued 'No Due Certificates' to members who had outstanding dues with the third respondent Society, an enquiry was conducted, leading to the initiation of



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disciplinary proceedings against him on 09.07.2001. Subsequently, based on the enquiry report, a criminal case was registered against the petitioner in Crime No.26 of 2004 on the file of the District Crime Branch, Dindigul, resulting in the filing of a charge sheet in C.C. No.65 of 2015 before the learned Judicial Magistrate No.II, Dindigul. The case has been pending for the past ten years. Under these circumstances, the petitioner was placed under suspension on the very day of his superannuation, i.e., 31.12.2024, by the impugned order dated 31.12.2024. Challenging the said suspension order, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner also relied upon the order of this Court dated 29.10.2024, passed in W.P (MD) No.10304 of 2024 [*X.Sahaya Thilakaraj v. The Joint Registrar of Co-Operative Societies*], wherein, this Court in a similar matter, after considering the Full Bench decision reported in *2015 (4) CTC 1* [*S.Andiyannan v. The Joint Registrar, Co-operative Societies, Madurai Region, Madurai and another*], held that there is no provision either under Common Cadre Service Rules or in the bye-laws of the Society enabling the respondents therein to continue disciplinary proceedings after the date of



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superannuation.

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4. Per contra, the learned Special Government Pleader, appearing on behalf of the respondents, by vehemently opposing the submissions made by the learned counsel for the petitioner, submits that, since a criminal case was pending against the petitioner on the date of his retirement, the first respondent was constrained to place the petitioner under suspension and retain him in service in accordance with the bye-law No.31 of the Service Conditions bye-laws of the third respondent Society. Therefore, he prays for the dismissal of the writ petition.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader, appearing on behalf of the respondents.

6. This Court has carefully considered the submissions of both parties and perused the materials placed on record. It is not in dispute that the petitioner attained the age of superannuation on 31.12.2024 and that a criminal case arising out of disciplinary proceedings initiated in 2001 is still pending.



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7. The petitioner has placed reliance on the decision of this Court dated 29.10.2024 in W.P. (MD) No.10304 of 2024 (*cited supra*), wherein in a similar factual context, this Court after considering the Full Bench decision in **2015 (4) CTC 1 [S. Andiyannan v. The Joint Registrar, Co-operative Societies]**, held that there is no provision either under the Common Cadre Service Rules or under the bye-laws of the Society that empowers the employer to continue disciplinary proceedings beyond the date of superannuation. Applying the ratio laid down in the above decisions to the present case, this Court is of the considered view that the respondents have no authority to place the petitioner under suspension or to retain him in service after 31.12.2024, i.e., the date of his retirement, in the absence of any enabling provision under the applicable rules or bye-laws. Therefore, the act of placing the petitioner under suspension on the date of his retirement and retaining him in service after he had attained the age of superannuation, in the absence of any enabling provision under the applicable Rules or Bye-laws, is held to be without jurisdiction and is accordingly liable to be set aside.



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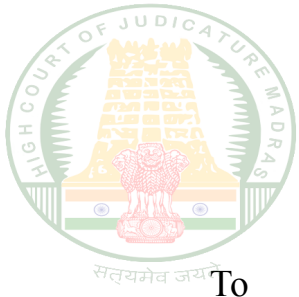
8. For the foregoing reasons, this writ petition is allowed and the impugned orders dated 31.12.2024 are hereby set aside. The respondents are directed to release the retirement monetary benefits due to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

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To

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VIVEK KUMAR SINGH, J.

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