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W.P.(MD) No.5416 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.5416 of 2021

A.Rajeswari

... Petitioner

-vs-

- 1.The Registrar
(Co-operative Societies)
NVN Maligai
E.V.R.Periyar Maligai
Kilpauk, Chennai-10
- 2.The Zonal Assistant Registrar
Public Distribution Scheme
Vellore
- 3.The Joint Registrar
Co-operative Societies
Theni Region, Theni
- 4.The Assistant Registrar
Co-operative Societies (Housing)
Madurai Region, Madurai
- 5.The Assistant Registrar
Co-operative Societies
Periyakulam Circle
Theni District



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6.The Accountant General
Pay & Account Office
361, Annasalai
Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating with the order of the 2nd respondent in Na.Ka.No.7743/2009/saba dated 02.08.2011 and the same is confirmed by the 1st respondent in appeal in Na.Ka.No.93029/2011 ONa3 dated 13.03.2012 and quash the same as it is arbitrary and illegal and in consequence to direct the respondents to disburse the terminal benefits, pensionary benefits, family pension and etc due to the petitioner's deceased husband to her.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1 to R5
Ms.S.Mahalakshmi
Standing Counsel for 6th Respondent



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ORDER

This writ petition has been filed challenging the impugned orders dated 02.08.2011 and 13.03.2012, passed by the respondent Nos.2 and 1 respectively, dismissing the petitioner's husband V.Amirthanayagam from service.

2. The following are the undisputed facts:

- (a) The second respondent passed the impugned order dated 02.08.2011, against the petitioner's husband V.Amirthanayagam, dismissing him from service.
- (b) The petitioner's husband V.Amirthanayagam preferred an appeal before the first respondent and the same has also been dismissed under the impugned order dated 13.03.2012, passed by the first respondent.
- (c) The petitioner's husband V.Amirthanayagam did not choose to challenge the impugned orders, while he was alive. He died on 06.03.2015.



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Even though the appellate authority, namely, the first respondent passed the impugned order dated 13.03.2012 upholding the order of the disciplinary authority, namely, the second respondent, dated 02.08.2011, the petitioner's husband V.Amirthanayagam did not choose to challenge the same.

- (d) The petitioner's husband V.Amirthanayagam's date of superannuation fell on 31.05.2005.
- (e) The petitioner, after the death of her husband, has also received the GPF amount from the respondents on 12.08.2015. However, no evidence is placed on record by the petitioner before this Court to the effect that the said amount was received by her only under protest.
- (f) The petitioner, though made an application before the respondents on 20.05.2019 that too only after four years from the date of her husband's death and the said application,



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according to the petitioner, was not considered by the respondents on merits and in accordance with law.

- (g) The petitioner chose to file this writ petition only in the year 2021 challenging the impugned orders dated 02.08.2011 and 13.03.2012, passed by the respondents 2 and 1 respectively, dismissing her husband from service.

3. The petitioner claims that her husband V.Amirthanayagam has been dismissed from service under the impugned orders without any evidence and he has been selectively targeted though other employees are also responsible for granting recommendations for further loans.

4. However, this Court need not go into the merits of the petitioner's claim that her husband has been arbitrarily and illegally dismissed from service, in view of the fact that on the ground of laches on the part of the petitioner in filing this writ petition, this writ petition will have to be dismissed.



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5. As seen from the above undisputed facts, for a cause of action, which arose in the year 2012 itself, when the appeal filed by the petitioner's husband challenging his dismissal from service got dismissed by the first respondent under the impugned order dated 13.03.2012, the petitioner having received the GPF amount voluntarily without any protest, after her husband's death in the year 2015, the question of entertaining this writ petition, at this belated stage, when this writ petition was filed in the year 2021, does not arise, on the ground of laches. Having slept over the rights to challenge the dismissal order passed by the first respondent on 13.03.2012 by the petitioner's husband before his death and the petitioner having received the GPF amount from the respondents subsequent to her husband's death in the year 2015, without any protest, the question of entertaining this writ petition, at this belated stage, does not arise. If this writ petition is entertained, there will be no finality to any litigation. The appeal having been rejected by the first respondent on 13.03.2012 itself, the writ petition having been filed only in the year 2021 certainly suffers from laches and cannot be entertained by this Court at this belated stage. Therefore, without going into the merits of the petitioner's claim with regard to the impugned dismissal orders, this Court is dismissing this writ petition only on the ground of laches.



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6. For the foregoing reasons, on the ground of laches, this writ petition is dismissed. No costs.

27.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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(Co-operative Societies),
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- 3.The Joint Registrar,
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- 4.The Assistant Registrar,
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ABDUL QUDDHOSE, J.

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