



W.P.(MD)No.13793 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.13793 of 2024

and

WMP (MD) Nos.12136 and 12137 of 2024

V.Subbaiah

: Petitioner

Vs.

1. The Joint Registrar of Co-Operative Societies,
Chairman of Common Cadre Service,
O/o. the Joint Registrar of Co-Operative Societies,
Collectorate Complex,
Chamber No.228,
Dindigul.

2. The Deputy Registrar of Co-Operative Societies,
O/o. the Deputy Registrar of Co-Operative Societies,
11/221, Raja Nagar,
Lakshmipuram Extension,
Palani,
Dindigul District.

3. Dd 514 Vedasanthur Primary Agricultural,
Co-Operative Credit Society,
Rep. by Its, Administrator,
Aathumedu,
Dindigul Road,
Vedasanthur, Vedasanthur Taluk,
Dindigul District.

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the record, relating to the impugned order dated 30.04.2024 in Na.Ka.No. 1758/2024/VeSeSa (Po.Pa.Ni (1)) passed by the 1st respondent and consequential impugned order dated 30.04.2024 in Na.Ka.No. 1758/2024/VeSeSa (Po.Pa.Ni (2)) passed by the 1st respondent and to quash the same and consequentially direct the respondents to disburse the terminal benefits payable to the petitioner.

For Petitioners : Mr.P.Prithiviraj

For Respondents : Mr.K.Balasubramani

Special Government Pleader

ORDER

The writ petition has been filed challenging the suspension order passed by the first respondent dated 30.04.2024 and consequently, to direct the respondents to disburse his all terminal benefits.

2. When the matter was taken up for hearing today, the learned counsel on both sides, submitted that the issue involved in this writ petition is squarely covered by the order of this Court dated 03.06.2025, passed in W.P.(MD) No.1596 of 2025. The relevant portion of the order is extracted hereunder:



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“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 superannuation.

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



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proceedings initiated in 2001 is still pending.

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.

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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3. In view of the above decision, this writ petition is allowed and the impugned orders dated 30.04.2024 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.

15.07.2025

Index : Yes / No

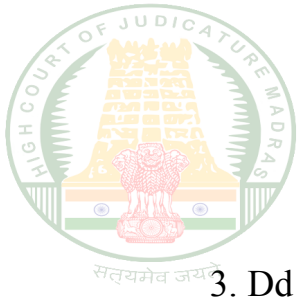
Internet : Yes / No

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To

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VIVEK KUMAR SINGH, J.

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