



WA(MD)No.2713 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.01.2025

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**WA(MD)No.2713 of 2024
and
CMP(MD)No.18734 of 2024**

Bharat Heavy Electricals Employees Co-operative Bank Ltd.,
Through its Managing Director
Kailasapuram,
Thiruchirappalli - 620 014.

... Appellant

vs.

1. R.Premalatha

2. The Secretary,
Bharat Heavy Electricals Employees Co-Operative Bank Ltd.,
Kailasapuram,
Thiruchirappalli - 620 014.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.02.2024 made in W.P(MD)No.8224 of 2021.

For Appellant : Mr.A.V.Arun
For R1 : Mr.A.Sankararama Subramanian



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JUDGMENT

(Judgment of the Court was made by **M.S.RAMESH, J.**)

By consent of both the counsels, the writ appeal itself is taken up for final disposal.

2. The present Writ Appeal is directed against the order passed by the Writ Court dated 28.02.2024 made in W.P(MD)No.8224 of 2021.

3. The 1st respondent herein is the wife of Late P.Ravindran, who was an employee of the appellant Co-operative Bank. While in service, the 1st respondent's husband was levelled with certain charges of negligence and dereliction of duty. Owing to the death of the 1st respondent's husband during the pendency of the disciplinary proceedings, the proceedings itself was abated. In the meantime, the appellant had also initiated an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act 1983, and though a report was filed in the said enquiry, final orders could not be passed by the Management owing to the death of the husband of the 1st respondent herein.

4. When the 1st respondent herein had sought for disbursement of the death cum retirement gratuity and other benefits of her husband, the same was



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refused, which prompted her to file a writ petition in W.P(MD)No.8224 of

2021.

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5. The learned Single Judge through his order dated 28.02.2024, had found that no proceedings of whatsoever nature were pending against the Late husband of the 1st respondent herein and as such, she would be entitled for the death cum retirement gratuity and other benefits. This order of the Writ Court is assailed in the present intra-court appeal.

5. The learned counsel appearing for the appellant would submit that during the course of the enquiry under Section 81 of the Act, the husband of the 1st respondent herein had given a statement admitting his negligence and the appellant also have other evidences to substantiate the misconduct of negligence and dereliction of duty of the delinquent and therefore submitted that huge loss of Rs.1,43,10,000/- occurred to the appellant bank due to the abovesaid misconduct of the late employee, should be recovered from the death cum retirement gratuity and other benefits of the late employee.

6. We are unable to accept the said submission for the simple reason that as on the date of the death of the 1st respondent's husband, there was no



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adverse orders passed against him holding him guilty of either negligence or dereliction of duty. When the concerned employee himself has expired, the Writ Court cannot take cognizance of any of the evidence that were let in during the course of the enquiry under Section 81 or the departmental action, which did not end up in a logical conclusion. The learned Single Judge had rightly appreciated all these aspects and had allowed the writ petition, holding that the 1st respondent herein is entitled to receive the death cum retirement gratuity and other benefits of her husband. There is no illegality or infirmity in the same.

7. Accordingly, the Writ Appeal stands dismissed. No costs. In view of the dismissal of the writ appeal, the appellant Bank shall forthwith disburse the death cum retirement gratuity and other benefits of the late employee to the 1st respondent herein, in any event within a period of two months from the date of receipt of a copy of this judgment. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
07.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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JUDGMENT MADE IN
WA(MD)No.2713 of 2024
DATED : 07.01.2025