



WEB COPY

WP No. 9202 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 9202 of 2026

S.Natarajan
S/o.Subbaiah Gounder,
No.24, KVR Layout,
Pollachi, Udumalpet,
Tiruppur District-642 001

..Petitioner(s)

Vs

1. The Registrar
Co-operative Societies,
N.V.Natarajan Maligai,
No.170, EVR Periyar High Road,
Kilpaukkam, Chennai-10
2. The Joint Registrar
Cooperative Societies,
Coimbatore District.
3. Deputy Registrar
Cooperative Societies,
Pollachi Coimbatore District.
4. The Administrator
TP Spl.52, Senguttaipalayam,
Primary Cooperative Credit Society,
Senguttaipalayam Post,
Kinathukidavu Taluk,
Coimbatore District.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent 1 to 3/authorities to pay all the retirement benefits to the petitioner by disposing of his representation dated 03.12.2025 within the time frame stipulated by this Court.



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For Petitioner(s):

Mr.M.Sudhan

For RR 1 to 3:

Mr.R.V.Dinesh Rajkumar
Standing Counsel

ORDER

This writ petition has been filed seeking a mandamus to the respondent 1 to 3/authorities to pay all the retirement benefits to the petitioner by disposing of his representation dated 03.12.2025 within the time frame stipulated by this Court.

2. The petitioner joined the services of the third respondent/society as a Salesman on 09.08.1989 and thereafter, was promoted as Assistant Secretary on 30.04.2009, then, as Secretary on 08.11.2016. During his service period in the year 2012-2013, departmental proceedings were initiated against him and as a punishment, his increment was cut for a period of two years. Thereafter, the department proceedings were dropped against him on the legal opinion that no loss had occurred to the society and that the loss had been duly recovered. While so, on the verge of his retirement, a criminal case was lodged against him in Crime No.2 of 2019 by the Inspector of Police, Coimbatore Rural Police Station and the same was taken on file as C.C.No.2299 of 2019 before the Judicial Magistrate Court No.IV, Coimbatore, challenging which, he filed Crl.O.P.No.4350 of 2021 before this Court, in which, a direction was issued to



the trial Court to complete the trial within four months, but, till date, there is no progress in the criminal case. Due to the pendency of the criminal case, the authorities did not permit him to retire and withheld his retirement benefits. Therefore, he submitted a representation dated 03.12.2025 to the respondents to disburse all his benefits and since no action has been taken on his representation, he has filed the present petition.

3. The learned counsel appearing for the petitioner would submit that pendency of a criminal case is not a bar for settling the retirement benefits of the petitioner. Further, the writ petition in W.P.No.34889 of 2013 filed by one of the co-delinquents of the petitioner was allowed and the petitioner therein was directed to be reinstated in service with all back wages and therefore, in light of the same, petitioner herein should also be granted with his retirement benefits. To strengthen his contention, he has relied upon the judgment of the Apex Court in *State of Jharkhand v. Jitendra Kumar Srivastava and another* reported in [(2013) 12 SCC 210], wherein, it has been held that pension, gratuity and other benefits are property rights protected under 300A of the Constitution of India.

4. Heard the learned counsel on either side and perused the records.



5. On a perusal of the records, it is seen that though disciplinary proceedings were initiated against the petitioner and punishment was imposed by withholding increments for two years, the same got dropped on the legal opinion that there was no loss occurred for the society and that the loss was duly recovered. Further, W.P.No.34889 of 2013 filed by another delinquent was allowed by this Court on the finding that there are no documentary evidence to substantiate the charges against the petitioner therein and directed him to be reinstated in service with all back wages.

6. It is *apropos* to mention that the law laid down in the judgment of the Apex Court in ***State of Jharkhand v. Jitendra Kumar Srivastava and another*** cited *supra* squarely applies to this case, wherein, it has been held that a person cannot be deprived of his pension without the authority of law, which is the constitutional mandate enshrined in Article 300-A of the Constitution.

7. Considering the above facts and circumstances into consideration, this Court is inclined to direct the respondents to disburse all the retirement benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands allowed. No costs.

09-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
nsd



To

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