



WP No. 10441 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 10441 of 2026

and

W.M.P.Nos.11311 and 11312 of 2026

K.Gopalan
S/o.Late.Katty Gowder,
Kuruthukuli Village and post,
Ootacamund, the Nilgiris.

..Petitioner(s)

Vs

1. The District Registrar
Office of the District Registrar of Cooperative
Societies, Ootacamund,
the Nilgiris District.
2. The Deputy Registrar
Office of the District Registrar of Cooperative
Societies, Ootacamund, The Nilgiris District.
3. The Managing Director
The Nilgiris District Central Cooperative Bank,
Commercial Road, Ootacamund,
The Nilgiris District.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records in impugned order dated 04.07.2025 passed by the 2nd respondent in Na.Ka. 1766/ 2016/ SaPa quash the same and consequently direct the respondents



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to disburse the retirement benefits namely encashment of leave salary, special provident fund, general Provident fund, Unearned Leave on private affairs, death cum retirement gratuity and subsistence allowance / provisional pension to petitioner along with the interest at the rate of 12 percent per annum within the time limit fixed by this Court.

For Petitioner(s): Mr.R.Prabakar

For Respondent(s): Mr.M.Muthusamy, GA for R1 and R2

Mr.M.Rajendiran, AGP for R3

ORDER

The impugned order passed by the second respondent in Na.Ka. 1766/ 2016/ Sa Pa dated 04.07.2025, is put under challenge in the present Writ Petition. Consequently, the petitioner has sought for a direction to the respondents to disburse the retirement benefits, namely, Encashment of Leave Salary, Special Provident Fund, General Provident Fund, Unearned Leave on Private affairs, Death cum Retirement Gratuity and Subsistence Allowance / Provisional Pension to the petitioner along with interest at the rate of 12% p.a., within the time limit as fixed by this Court.

2. Heard the learned counsels appearing on either side. With the consent of both sides, the present Writ Petition is taken up for final hearing at the admission stage itself.



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3. The brief facts of the case leading to the filing of the present Writ Petition are as follows:-

(i) During the petitioner's tenure as Manager at Central Co-operative Bank Ltd., Ootacamund, a surcharge proceedings dated 25.03.2015 & 31.03.2015 were initiated against the petitioner and few others for allegedly misappropriating the funds of the Society viz., J333, the Nilgiris District Teachers Co-operative Thrift and Credit Society, Udthagamandalam to the tune of Rs.83,67,562/-. Subsequently, criminal proceedings were also initiated as against the petitioner and others and the same were pending. Thereafter, the Deputy Registrar of the Society issued a show cause notice and in turn, the petitioner submitted a detailed explanation. Despite the said explanation dated 20.10.2014, the Deputy Registrar of the Co-operative Society, held that the petitioner is liable to pay a sum of Rs.83,59,000/- on the ground that the petitioner cleared the cheques presented for collection in the Central Operative Society.

(ii) Aggrieved over the same, the petitioner preferred Appeals in C.M.A.Nos.06 and 07 of 2017 before the Tribunal under the Tamil Nadu Co-operative Societies Act, 1983 and the said Appeals were allowed by an order



dated 28.11.2022. When the said order had attained finality, in fact, there is nothing as against the petitioner to invoke the surcharge proceedings. In the meantime, the petitioner retired from service on 31.05.2017 on superannuation, however, the respondent failed to disburse the retirement benefits on the ground that the criminal cases are pending against the petitioner. Though legal notices was served upon the respondents and that the petitioner was discharged by the Appellate Authority, the Authorities have failed to disburse the retirement benefits and hence, the present Writ Petition.

3. The learned counsel for the petitioner would submit that the petitioner has been suffering a lot without the retirement benefits at the age of 67 years and had submitted a detailed representation to the respondents seeking to disburse the retirement benefits for which the second respondent had sent a communication indicating that the retirement benefits would be disbursed subject to the out come of the criminal case. He contended that when the surcharge proceedings itself as against the petitioner were absolved and the he was discharged from the departmental proceedings itself, there is no point in keeping the retirement benefits of the petitioner and the criminal proceedings cannot be an impediment for retaining the retirement benefits, thereby pleaded to set aside the impugned order. He further submitted that the present impugned order has been passed by the second respondent,



stating that the surcharge proceedings in Tha.Thee No.1 of 2019 Sa.Pa dated 20.04.2020 is kept in abeyance on the ground of pendency of the appeals filed against the surcharge proceedings in Dha.Thee Nos.1/2014 and 2/2014, without providing any opportunity to the petitioner to place the orders passed by the Tribunal in the appeals i.e., CMA Nos.6 & 7 of 2017 dated 28.11.2022, as the same binds to drop the proceedings in Tha Thee No.1 of 2019 dated 20.04.2020. He also seeks permission of this Court to revive the surcharge proceedings in Tha.Thee No.1 of 2019 Sa.Pa dated 20.04.2020 and prayed for appropriate orders..

4. Per contra, the learned Government Advocate appearing for the respondents 1 and 2 submitted that the surcharge proceedings in Tha.Thee No.1 of 2019 Sa.Pa dated 20.04.2020 is pending against the petitioner and therefore, the petitioner is not entitled for the relief sought by him in this Writ Petition and thus, prayed this Court to dismiss the Writ Petition.

5. I have considered the rival submissions made by the respective learned counsels and also perused the materials available on record.

6. It is seen that though the surcharge proceedings in Dha.Thee. Nos.01 & 02 / 2014 Sa.Pa dated 25.03.2015 & 31.03.2015 were set aside by the



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Tribunal in CMA Nos.6 & 7 of 2017 and had exonerated the petitioner herein from the said impugned surcharge proceedings, however, the surcharge proceedings in Tha. Thee No.1 of 2019 Sa.Pa dated 20.04.2020 is pending against the petitioner. In view of the pendency of the surcharge proceedings dated 20.04.2020 as against the petitioner, the relief sought for by the petitioner in this Writ Petition cannot be granted and the present Petition is liable to be dismissed.

7. For the foregoing reasons, the present Writ Petition stand dismissed. However, the petitioner is at liberty to challenge the surcharge proceedings in Tha. Thee. No.1 of 2019 Sa.Pa dated 20.04.2020 before the competent authority. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

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

DP



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To

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