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W.P.Nos.9314, 9319 & 7358 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 13.02.2026**

**CORAM:**

**THE HONOURABLE MR. JUSTICE T.VINOD KUMAR**

**W.P.Nos.9314, 9319 & 7358 of 2021**

**and**

**WMP.Nos.7864, 9883, 9886, 9885, 9896, 9902, 9908, 9906, 11376, 13631, 13633**  
**of 2021**

|              |                                    |
|--------------|------------------------------------|
| M.Shankar    | ... Petitioner in W.P.No.9314/2021 |
| V.Adhimoolam | ... Petitioner in W.P.No.9319/2021 |
| S.Madivanane | ... Petitioner in W.P.No.7358/2021 |
| <b>vs</b>    |                                    |

1. The Registrar of Cooperative Societies,  
Government of Puducherry,  
Co-operative Department,  
V.V.P.Nagar, Thattanchavadi Post,  
Pondicherry-605 009
2. The Administrator  
Puducherry Co-operative Urban Bank Ltd P.14,  
197, Jawaharlal Nehru street,  
Puducherry-605 001.
3. The Managing Director  
Puducherry co-operative Urban Bank Ltd P.14,  
197, Jawaharlal Nehru street,  
Puducherry-605001.



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4. The Reserve Bank of India  
No.16, Rajaji Salai, Fort Glacis,  
Chennai--600 001.

5. Union of India,  
Rep by its Secretary,  
Co-operative Department, Puducherry

... Respondents in  
W.P.Nos.9314 & 9319/2021

1. Union of India  
Rep. by its Secretary,  
Co-Operative Department, Puducherry.

2. The Registrar of Co- Operative Societies,  
Government of Puducherry,  
Co- Operative Department, V.V.P.Nagar,  
Thattanchavadi Post, Puducherry.- 605 009.

3. The Administrator  
Puducherry Co- Operative Urban Bank Ltd, P.14,  
197,Jawaharalal Nehru Street, Puducherry- 605 001.

4. The Maaging Director  
Puducherry Co- Operative Urban Bank Ltd, P.14,  
197,Jawaharalal Nehru Street, Puducherry- 605 001.

5. The Reserve Bank of India  
No.16,Rajaji Salai, Fort Glacis,  
Chennai- 600 001.

... Respondents in  
W.P.No.7358/2021

**Common Prayer:** Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, Calling for the records leading to the



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issuance of the impugned Direction dated 6.11.2019 issued by the 1st respondent herein in No.RCS/Planning / Circular/ 2018 / 448, under section 81(1) of the Puducherry Co-operative societies Act 1972 and the consequential approval of the amendment of Rule No.35(1) of the Service Regulations of the Pondicherry co-operative Urban Bank Ltd., No.P.14 by the 1st respondent on 28.1.2021 vide No.5 /12/1/2 / RCS / CR / H/1999/ Vol-III / 14 and consequential Notice dated 3.2.2021 issued by the 3rd respondent vide PCUB / Estt. / 19-Vol-2/2017 to the petitioner herein and quash the same.

For Petitioner  
in all petitions

: Mr.S.Prem Auxilian Raj

For Respondents  
in W.P.Nos.9314 &  
9319/2021

: Mrs.Sharadhavivek  
Additional Government Pleader for R1 & R5  
: Mr.R.Sreedhar  
Standing Counsel for R2 & R3  
: No Appearance for R4

For Respondents  
in W.P.No.7358/2021

: Mrs.Sharadhavivek  
Additional Government Pleader for R1 & R2  
: Mr.R.Sreedhar  
Standing Counsel for R3 & R4  
: No Appearance for R5

### **COMMON ORDER**

Heard the learned counsel for the petitioners and the learned Standing Counsel appearing on behalf of the third respondent and perused the records.



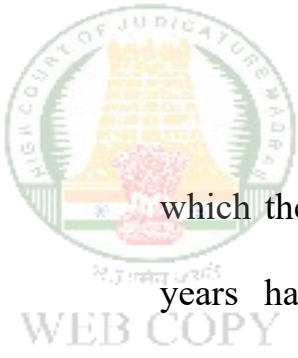
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2. The petitioners, by the present writ petition, have assailed the action of the respondents in issuing the proceedings dated 03.02.2021, whereby the petitioners were informed that they would be retiring from service on attaining the age of 58 years on the date mentioned in the impugned proceedings.

3. On the respondents issuing the aforesaid proceedings, the petitioners have approached this Court contending that pursuant to Office Memorandum dated 30.05.1998 increasing the age of Government employees from 58 years to 60 years, the respondents issued proceedings dated 25.08.2010 and as per amendment to Clause 35 (1) of the Subsidiary Regulations governing the service conditions of the employees of Puducherry Cooperative Urban Bank Ltd., the retirement age of the employees has been extended to 60 years; and that even though the amendment came into force on 25.08.2010, the respondents by the impugned proceedings had ordered the petitioners to retire at the age of 58 in contravention of the Rules.

4. Per contra, the learned Standing Counsel appearing on behalf of the respondents 2 and 3 submits that a similar issue fell for consideration in W.P.No.17181 of 2023 and batch wherein this Court had an occasion to consider the subsequent amendment to the service Rules *vide* circular dated 06.11.2019 by

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which the proposal for increasing retirement/superannuation from 58 years to 60 years has been withdrawn; that this Court taking note of the subsequent amendment had dismissed the challenge in the said Writ Petition and submits that the petitioners also stand on the same footing, and prays for dismissing the present writ petitions.

5. I have taken note of the respective submissions as urged.

6. Before proceeding to consider submission made by the learned counsel for the respondents 2 and 3 and the reliance placed on the decision of the Co-ordinate Bench of this Court in W.P.No.17181 of 2023 and batch, it is necessary to note that on the petitioners in the present writ petition have approached this Court by filing the present writ petitions and this Court had granted interim stay of the impugned proceedings by which the respondents were directed to continue the services of petitioners till they attain the age of superannuation of 60 years.

7. Pursuant to the interim order of this Court, the petitioners in the present writ petitions have continued in employment and retired from service on attaining the age of superannuation of 60 years which period also ended in the year 2022-5/9



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2023, ie,, before this Court passing the order on 04.10.2023 in W.P.No.17181 of 2023.

8. Since, the petitioners continued to work on the basis of the interim order and the respondents having extracted the work from the petitioners in the extended period of their service tenure, this Court is of the view that the respondents cannot be allowed to put back the petitioners in position ante on the basis of the order of this Court dated 04.10.2023, though, by virtue of the order of this Court, the reduction of age of superannuation from 60 years to 58 years was found to be valid.

10. As noted herein above, since, the order of this Court was passed, subsequent to the petitioners retiring from service on attaining the age of superannuation of 60 years, and the petitioners having worked in the extended tenure pursuant to the interim order of this Court, the respondents cannot claim petitioner having retired at an earlier point of time and that they not being entitled for any pay or benefits for the period when they have actually worked.



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11. Since, this Court had now come to the aforesaid conclusion that the order of W.P.No.17181 of 2023 dated 04.10.2023 cannot be given effect to, to the case of the petitioners and as the petitioners have retired from service during the year 2022-2023, this Court is of the view that the date of retirement shall be reckoned as the date on which the petitioners have attained the age of superannuation of 60 years and accordingly, these Writ Petitions are closed. Consequently, connected Miscellaneous Petitions are closed. No order as to costs.

**13.02.2026**

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

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Co-operative Department,  
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**T. VINOD KUMAR, J.**

dh

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