



WP(MD). No.7597 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.04.2026

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.7597 of 2026
and WMP(MD)Nos.6232 and 6233 of 2026

M.Ganapahi Maharajan

... Petitioner

Vs.

1. The Registrar of Cooperative Societies,
O/o. the Registrar of Cooperative Societies,
No.170, N.V.Natarajan Maaligai,
E.V.R.High Road, Kilpauk,
Chennai-600 010.

2. The Joint Registrar of Co-operative Societies,
O/o. the Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli.

3. The Deputy Registrar of Co-operative Societies,
O/o. the Deputy Registrar of Co-operative Societies,
Cheranmahadevi Circle,
Tirunelveli District.

4. The Administrator,
E.E.430, Dhalapathisamuthiram Primary
Agricultural Co-operative Credit Society,
Dhalapathisamuthiram, Nanguneri Taluk,
Tirunelveli District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order vide Na.Ka.No. 1173555/2025/Tho.Ve.Sa.Dated 30.06.2025 passed by the 2nd respondent and the consequential resolution No.1 in the proceedings of the fourth respondent dated 30.06.2025 and quash the same and



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consequently direct the respondents to disburse the retirement benefit such as Gratuity and Earned Leave Salary and other monetary benefit payable to the petitioner with interest at the rate of 12% till the realization within the time frame.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.Om.Prakash
Government Advocate

ORDER

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel for the petitioner and Mr.Om Prakash, learned Government Advocate for the respondents.

2. The petitioner herein, who served as the Secretary of the fourth respondent Society, was allowed to retire on attaining the age of superannuation by issuing the proceedings bearing No.Na.Ka.No. 117355/2025/Tho.Vey.Sa dated 30.06.2025 issued by the second respondent. In the said proceedings, certain conditions are enumerated under the heading "Conditions". The conditions 1 and 6 are extracted herein under:

"Conditions:-

1. In respect of the crop loans sanctioned under the 2021 Crop Loan Waiver Scheme, an inspection was conducted by officials of other districts, and a report in Form-3 (CC Sanctioned but not Drawn) has been submitted



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in respect of 48 loans amounting to Rs.29,69,000/-.

In the Audit Report for the year 2023-24, under Part "A", it has been stated that in respect of the Agricultural Jewel Loan Waiver Scheme, 2021, an amount of Rs.29,44,315/- has been disallowed, and the Society administration has been directed to take appropriate action to recover the said amount with the amount due. Under the head "Amounts Recoverable". it has been along recorded as "KCC AJL Waiver 2021 - Objected - Rs.29,44,315/-".

In this connection, the Secretary of the Society has filed W.P.(MD) No. 15582/2025 before the Madurai Bench of the Madras High Court, and the documents in full, in accordance with the instructions of the Society administration.

6. Subject to the above conditions, Thiru M. Ganapathi Maharajan. Secretary of E.E.430, Dhalapathisamuthiram Primary Agricultural Cooperative Credit Society, is hereby relieved from service with effect from the afternoon of 30.06.2025, and orders are issued accordingly. The Administrator of the Society is permitted to take further consequential action in this regard".

3. By imposing the conditions, the petitioner was allowed to retire from service on attaining the age of superannuation with effect from 30.06.2025 and consequently, the petitioner was relieved from service. Aggrieved by the said conditions that were imposed in the



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proceedings of the second respondent dated 30.06.2025, the petitioner approached this Court as the terminal benefits of the petitioner have not been disbursed by the fourth respondent.

4. Mr.D.Shanmugaraja Sethupathy, learned counsel for the petitioner contended that the second respondent has no power to direct withholding of the terminal benefits of the petitioner on whatsoever ground, as there is no provision available under the Tamil Nadu Primary Agricultural Co-operative Credit Society Common Cadre Service Rules to enable the respondents to issue proceedings against common cadre employee for recovery, once he was permitted to retire from service.

5. The learned counsel further contended that the said issue has fallen for consideration before various Division Benches of this Court on number of occasions and it was concluded that once a common cadre employee was allowed to retire from service, his terminal benefits cannot be withheld nor any disciplinary proceedings can be initiated or continued against such employee. He further contended that in the instant case, admittedly, the petitioner herein is a member of Common Cadre Service and no disciplinary proceedings



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have been initiated while he was in service or initiated after his superannuation. He further submitted that there is no allegation whatsoever alleging against the petitioner or any misappropriation of any funds, but it is only in connection with discharge of his functions as the Secretary of the fourth respondent Society, which is also a subject matter of the writ petition before this Court in W.P.(MD)No. 15582 of 2025 by the fourth respondent Society and the issue is now pending before the Government.

6. In the above circumstances, the learned counsel for the petitioner contends that the conditions imposed in the proceeding dated 30.06.2025 withholding the terminal benefits of the petitioner are arbitrary and liable to be quashed to that extent.

7. On the other hand, Mr.Om Prakash, learned Government Advocate by taking this Court to the counter affidavit contended that the petitioner was permitted to retire only subject to conditions and in case, if the disbursal of loans to the tune of Rs.29,00,000 and odd is found to be not in accordance the relevant rules, the petitioner will be liable to reimburse the said amount. He also submitted that the issue as to whether the said loan amounts advanced by the fourth



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respondent Society are eligible for loan waiver or not is now pending for consideration before the first respondent. He also contented that the relief sought in the present writ petition cannot be entertained under Article 226 of the Constitution of India by this Court as the petitioner has got an efficacious alternative remedy being an employee of a Society and the relief is sought only against the fourth respondent Society.

8. This Court has carefully considered the submissions made on either side and also perused the entire materials on record.

9. Admittedly, the petitioner herein is a member of common cadre service. The conditions of the common cadre employees are governed by Tamil Nadu Primary Agricultural Co-operative Credit Society Common Cadre Service Rules, with effect from the year 2019, but not under the bylaws of the fourth respondent Society. Once it is admitted that the petitioner is a member of common cadre service and governed by the rules referred to above, which are issued under statute, the objection raised by the Government Advocate on the ground of maintainability of the writ petition cannot be accepted.



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10. The petitioner in the present position is not seeking to enforce any bylaw of the fourth respondent Society and he has approached this Court challenging the impugned proceedings issued by the second respondent under the common cadre service rules. Therefore, there cannot be any objection on the maintainability of the writ petition.

11. On coming to the merits of the matter, it is now settled law that there is no provision under the common cadre service rules that would enable the respondents either to initiate or to continue the disciplinary proceedings once an employee of common cadre service was allowed to retire and relieved from service. In the instant case, admittedly, there is no disciplinary proceedings that were initiated against the petitioner while he was in service or after his retirement. A Division Bench of this Court in WA(MD)No.1349 of 2023, having examined an identical issue held as under:

"4. The learned Single Judge considered the case of the parties and considered the fact that when the first respondent belong to the common cadre and when there is no provision in the rules for imposing such an order of withholding of all the service benefits, the conditions cannot be sustained and accordingly, allowed the writ petition. Eventhough the order is



passed by the Joint Registrar of Co-operative Societies and eventhough the appellant Society had originally passed the resolution recommending the retirement of the first respondent, the appellant Society had only filed the present appeal.

5. Even otherwise, when the first respondent belong to common cadre, whether to permit him to retire or to suspend him from service and retain him upon the age of superannuation are all governed by statutory Rules. Therefore, it is open for the respondents 2 and 3 if permissible under the Rules to suspend the first respondent and retain him from service. Once he is permitted to retire, then as per the statutory Rules, all the retiral benefits have to be paid by the appellant Society. The action of the second respondent/Joint Registrar of Co-operative Societies, in permitting the first respondent to retire and at the same time practically holding otherwise that none of the retiral benefits should be paid to him, is a colourable exercise of power. If the authority cannot directly place the employee under suspension or retain him in service for the mere pending of an inquiry under Section 81, the same cannot be done indirectly by imposing conditions which would virtually amount to undoing his permission to retire.

6. When there is no provision in the statutory Rules to impose such a condition, no exception whatsoever can be taken to the order of the learned Single Judge allowing the writ petition. Accordingly, finding no merits, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed".



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12. Similarly, another Division Bench of this Court in WA(MD)No. 1174 of 2025 and batch has been pleased to consider an identical issue and held as follows:

"7. We are however unable to accept the said contention. This is because following the promulgation of the common cadre service rules in the year 2019, the special bylaws ceased to govern the service conditions of the Secretaries of the respective Cooperative Societies. The Hon'ble Division Bench had also indicated that amendments to the Rules are called for. Unfortunately, till date the rules have not been amended. When the common cadre did not provide for retention of the delinquent employees in service for inflicting punishment after they reach the age of superannuation, the authority will not be justified in doing so. The approach of the learned single Judge cannot be faulted. There is no merit in these writ appeals. The writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed".

13. In the light of the above, it is now well settled that the respondents have no power or authority either to initiate a new disciplinary proceedings or propose to recover any amounts from the petitioner whatsoever. In the absence of any such power, the action of the second respondent in imposing the conditions at in the impugned



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proceedings dated 30.06.2025 is totally unsustainable. Having allowed the petitioner to retire from service, there is no justification for the respondents to withhold the terminal benefits of the petitioner. In such circumstances, this Court is of the considered view that the action of the second respondent in imposing certain conditions at in the impugned proceedings dated 30.06.2025 is highly arbitrary and without any power or authority. Consequently, the impugned order vide Na.Ka.No.1173555/2025/Tho.Ve.Sa.Dated 30.06.2025 passed by the second respondent and the consequential resolution No.1 in the proceedings of the fourth respondent dated 30.06.2025 are hereby quashed to the extent of withholding the terminal benefits of the petitioner. There shall be a direction to the respondents to release all the terminal benefits of the petitioner forthwith together with applicable interest in terms of the Rules.

14. In fine, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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MUMMINENI SUDHEER KUMAR,J

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