

WEB COPY

WP No. 1234 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 1234 of 2025

and

W.M.P.No.1490 of 2025

C.Periyasamy

S/o.K.V.Chenniyappan, No.1/ 127,
Sanjeevi Thottam, N.Thottipalayam,
P.Vellalapalayam Post,
Gobichettipalayam Taluk, Erode
District- 638 476.

Petitioner(s)

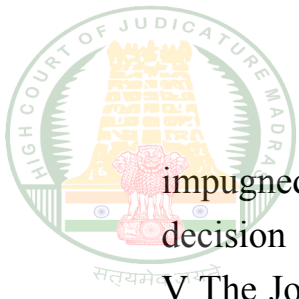
Vs

The Secretary To Government Of Tamil
Nadu
Department Of Co - Operative, Food
And Consumer Protection, Fort St.
George, Secretariat, Chennai- 09. AND
5 OTHERS

Respondent(s)

Prayer:-

Calling for the records of the 5th Respondent / disciplinary authority in Order dated 23.04.2024 and quash the same as illegal and without jurisdiction, in view of the 5th respondent / disciplinary authority's order in Na. Ka. 01/ O.Na. (2), dated 16.12.2022 permitting the petitioner to retire from service, since the



impugned order of the fifth respondent is running contrary to the Full Bench decision of this Hon'ble Court reported in 2015 (4) CTC 1 in *S.Andiyannan V The Joint Registrar of Cooperative Societies*, consequently, direct the fifth respondent to pay all retirement benefits namely, provident fund, gratuity, leave encashment salary, staff security deposit and all other attendant monetary benefits along with interest at 18% p.a from the date of superannuation (31.01.2015) till date of payment; and to pay interest at 18% p.a for the belated payment of January,2015 at Rs.58,216/- paid on 02.04.2024 from the date of superannuation (31.01.2015) till 02.04.2024.

For Petitioner(s): Mr.S.Sathiaseelan

For Respondent(s): Mr.T.Chezhiyan,
AGP for R1 to R4
Mr.M.S. Palaniswamy For R5

ORDER

The learned counsel for the petitioner would submit that in view of no provision under the Tamil Nadu Co-operative Societies Act or bye-law for continuance of the disciplinary proceedings, the withholding of the terminal benefits on account of pendency of the disciplinary proceeding is contrary to the judgment of the Full Bench in *S.Andiyannan Vs. The Joint Registrar* reported in **2015 (4) CTC 1**.

2. However, the learned counsel for the fifth respondent seeks a short accommodation to verify whether the bye-law has got such authority to continue the disciplinary proceedings even after superannuation.



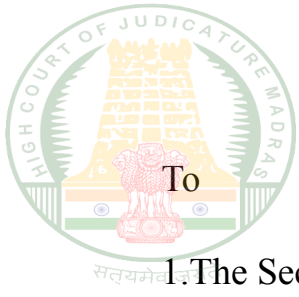
3. In the connected writ petition in W.P.No.7574 of 2025, an interim stay was extended till the disposal of the writ petition. Hence, there shall be an order of interim stay in W.M.P.No.1490 of 2025 till the disposal of the writ petition.

4. Post the matter on 08.07.2025.

24-06-2025

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To

WEB
Tamil Nadu

1.The Secretary To Government Of
Department Of Co - Operative, Food And
Consumer Protection, Fort St. George,
Secretariat, Chennai- 09.

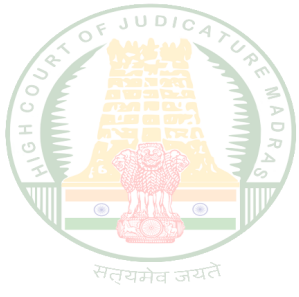
2.The Registrar Of Cooperative Societies
No.170, N.V. Natarajan Maaligai, E V R
Periyar Road, Kilpauk, Chennai- 10.

3.The Joint Registrar Of Cooperative
Societies
Erode, Erode District.

4.The Deputy Registrar Of Cooperative
Societies
Erode Circle, Erode District.

5.The Cooperative Sub Registrar/
Administrator
P.E65 , Modakkurichi Circle Teachers
And Public Servants Cooperative Thrift
And Credit Society, No.7, Kootturavu
Poonga, Modakkurichi, Erode District-
638 104.

6.The Domestic Enquiry Officer
P.E65 , Modakkurichi Circle Teachers
And Public Servants Cooperative Thrift
And Credit Society, No.7, Kootturavu
Poonga, Modakkurichi, Erode District-
638 104.



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