
(2008) 12 MAD CK 0330
In the Madras High Court
Case No : Writ Petition No. 22510 of 2004

K. Balasubramanian

APPELLANT

Vs

The Pondicherry Co-operative Central Land Development
Bank Ltd. and R. Parthasarathy

RESPONDENT

Date of Decision : 16-12-2008

Acts Referred:

Citation : (2008) 12 MAD CK 0330

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

**Advocate : D. Bharatha Chakravarthy, for Sai, Bharath and Ilan, for the
Appellant; G.R. Swaminathan, for R1, for the Respondent**

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the first respondent.

2. This writ petition has been filed praying for a writ of declaration to declare the continuation of the disciplinary proceedings against the petitioner, pursuant to the charge memo, dated 1.12.2003, issued by the first respondent and the order of the second respondent, dated 10.7.2004, after his retirement, on 3.12.2003, as illegal, and for a consequential direction to direct the first respondent to pay all the retiral benefits of the petitioner, with interest.

3. The main contention raised on behalf of the petitioner is that the respondents cannot institute disciplinary proceedings against the petitioner or to continue the disciplinary proceedings already instituted, after the retirement of the petitioner from service. Since the petitioner had retired from service, on 31.12.2003, the employer and employee relationship between the first respondent and the petitioner had ceased to exist. In such circumstances, unless special rules or regulations exist, to initiate disciplinary proceedings against the petitioner or to continue the same after his retirement from service, no such proceedings can be

initiated or carried on against the petitioner, pursuant to the impugned charge memo, dated 1.12.2003, issued by the first respondent and the order of the second respondent, dated 10.7.2004.

4. The learned Counsel appearing for the petitioner had placed before this Court a decision of the Division Bench of this Court, made in N. Kunnai Gowder Vs. The Coimbatore District Co-op. Milk Producers" Union Ltd., , to show that the continuance of disciplinary proceedings, after the superannuation of an employee, in the absence of specific enabling provisions in the relevant statutes, would be illegal and without jurisdiction. However, the learned Counsel appearing on behalf of the first respondent had submitted that the writ petition is not maintainable against the respondents, in view of the decision of the Larger Bench of this Court, in K. Marappan Vs. The Deputy Registrar of Co-operative Societies and The Special Officer, Vattur Co-operative Agricultural Bank, .

5. In view of the submissions made by the learned Counsels appearing for the petitioner, as well as the first respondent, it is clear that the writ petition is not maintainable, in view of the above mentioned decision. In such circumstances, this Court is not inclined to deal with the other aspects of the writ petition, on merits. However, it is made clear that it is open to the petitioner to approach the appropriate authority for the necessary redressal of his grievances, if so advised, in the manner known to law. Accordingly, the writ petition stands dismissed, with the above observations.