

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.21173 of 2015

G.Rajamanickam

..

Petitioner

vs.

- 1.The Registrar of Cooperative Societies
No.170, E.V.R. Periyar Salai
Kilpauk, Chennai 600 010
- 2.The Joint Registrar of Cooperative Societies
Erode Zone
Kannaiayan Layout
Karungalpalayam
Erode 638 003
- 3.The Deputy Registrar of Cooperative Societies
Gobi Region
Bajanai Kovil Street
Gobichettipalayam
Erode District
- 4.The President
A.A.517, Bhavani Kurichi Primary
Agricultural Cooperative Credit
Society
Sembadampalayam Post
Olagadam Via
Bhavani Taluk
Erode District 638 314

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the fourth respondent to disburse the retirement benefit amount in total to a sum of Rs.4,27,944.30 payable in the name of the petitioner.

For Petitioner : Mr.C.E.Pratap

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he retired from the services of the fourth respondent-Society as the Secretary on 28.2.2006, and since the retirement benefits have not been paid or settled, he filed W.P.No.14814 of 2009 praying for the issuance of a writ of mandamus directing the respondent therein, viz. the fourth respondent herein, to disburse the retirement benefits, and this Court vide order dated 6.10.2009, has allowed the writ petition with a direction directing the fourth respondent herein to disburse the retirement benefits within a period of six months from the date of the order and pursuant thereto, he was paid with a sum of Rs.4,81,314/- in five instalments.

3.The grievance expressed by the petitioner, is that though he is entitled to the benefits of G.O.Ms.No.131, Cooperative, Food and Consumer Protection Department, dated 4.6.1999, and the settlement effected under Section 18(1) of the Industrial Disputes Act, 1947, he has not been conferred with any benefits and in this regard, has submitted a representation dated 27.10.2014, to the third respondent, who, in turn, has informed the petitioner vide letter dated 17.4.2015, stating that the matter is pending consideration before the fourth respondent-Society and since no response is forthcoming, came forward to file this writ petition.

4.The learned Counsel appearing for the petitioner, would submit that the fourth respondent is financially well off and hence, there cannot be any impediment on the part of the fourth respondent to satisfy the claim made by the petitioner, by disposing of his representation.

5.Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepted notice on behalf of the respondents, would submit that G.O.Ms.No.131 dated 4.6.1999, has no application to the case on hand and whatever terminal benefits due and payable to the petitioner, have been settled and prays for dismissal of this writ petition.

6.This Court has considered the rival submissions and also perused the materials placed before it.

7.The third respondent in the communication dated 17.4.2015, has informed the petitioner that the matter is pending with the fourth respondent and in the light of the same, the third respondent is directed to follow it up with the fourth respondent and elicit their response, within a period of four weeks from the date of receipt of a copy of this order and on receipt of such particulars/information from the fourth respondent, shall dispose of the petitioner's representation dated 27.10.2014, in accordance with law, within a period of six weeks thereafter and communicate the

decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To:

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Sembadampalayam Post
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Bhavani Taluk
Erode District 638 314

+1 cc to Mr.C.E.Pratap, Advocate, sr.43698
+1 cc to Mr.L.P.Shanmugasundaram, Advocate, sr.43794.
+1 cc to Govt.Pleader, sr.44270

lrs(co)
kra(7/9)

W.P.No.21173 of 2015