

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24290 of 2015

V.Ramalingam

... Petitioner

Vs.

- 1 The Secretary to Government
Co-operation Department Secretariat Fort
St. George Chennai-9.
 - 2 The Registrar of Co-operative
Societies No.170 EVR Periyar Salai
Registrar Office Kilpauk Chennai-600 010.
 - 3 The Joint Registrar
Villupuram Zone Villupuram.
 - 4 The Deputy Registrar
Office of the Deputy Registrar of Co-
operative Societies NGO Nagar Tirukoilur
Villupuram District.
 - 5 The Secretary
I I-99 Thenkeeranur Primary Agriculture Co-
operative Society Thenkeeranur Post
Kallakurichi Taluk Villupuram District.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 5th Respondent to disburse the petitioners retirement benefits Provident Fund a sum of Rs.1,49,000/- Gratuity [part] a sum of Rs.1,98,523/- and Earned Leave a sum of Rs.2,93,472/- totally a sum of Rs.6,40,995/- (Rupees six lakhs forty thousand nine hundred and ninety five only) along with 12% interest from the date of retirement till the date of realization.

For Petitioner : Mr.A.Swaminathan

For Respondent : Mr.L.P.Shanmugasundaram

Special Government Pleader (Co-op)

O R D E R

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

2.The petitioner after completing 35 years of service with the fifth respondent retired from service on 30.04.2014 as the Secretary and he would state that Field Officer/ Sub Registrar, Kallakurichi has sent a communication dated 26.04.2014 to the fourth respondent to the effect that there is no disciplinary proceeding pending against him and consequently, the petitioner has retired from service on 30.04.2014. The grievance expressed by the petitioner is that though he retired from service as early as on 30.04.2014, the terminal benefits namely, a sum of Rs.1,49,000/- towards provident fund, a sum of Rs.1,98,523/- towards gratuity (part), a sum of Rs.2,93,472/- towards encashment of earn leave aggregating to a sum of Rs.6,40,995/- are yet to be settled and in this regard, he submitted a representation dated 20.03.2015 followed by a reminder dated 22.04.2015 and since, no response is forthcoming to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that the third respondent on receipt of the representation made by the petitioner has directed the fourth respondent to look into the issue and communicate the decision taken to him with copy marked to the petitioner and in spite of it, no orders have been passed settling the terminal benefits due and payable to the petitioner.

4.This Court heard the submissions of Mr.A.Swaminathan, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operation) who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances, permits the petitioner to submit one more representation to all the respondents by enclosing a copy of this order as well as the copy of the earlier representation within a period of two weeks from the date of receipt of a copy of this order. The respondents 2 to 5 on receipt of the same, are directed to consider the said representation in accordance with law and pass orders as expeditiously as possible and not later than eight weeks thereafter and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to Government
Co-operation Department Secretariat Fort
St. George Chennai-9.
 - 2 The Registrar of Co-operative
Societies No.170 EVR Periyar Salai
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I I-99 Thenkeeranur Primary Agriculture Co-
operative Society Thenkeeranur Post
Kallakurichi Taluk Villupuram District.
- + 1 cc to Mr.A.Swaminathan, Advocate SR 41474
- + 1 cc to Govt.Pleader SR 41211
- + 1 cc to Mr.L.P.Shanmugasundaram, Advocate SR 41099

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