

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2015

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No. 26505 of 2015

and

M.P.No.1 of 2015

K. Annamalai

...Petitioner

Vs.

1.The Joint Registrar of Coop. Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.

2.The President,
E 2672, Vallam Padugai Primary,
Agricultural Coop. Credit Society,
Vallam Padugai, Kurinjipadi Taluk,
Cuddalore District.

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, order or direction in the nature of a writ, directing the respondents to disburse the petitioner's retirement benefits like Gratuity and Provident Fund as per U/s. 78 and 79 of Tamil Nadu Coop. Societies Act, 1983.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operative)

O R D E R

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

2. The petitioner was appointed as a Secretary of the second respondent Society. According to him, he has rendered, hard, sincere and unblemished service to the satisfaction of the superior officers. It is further stated by the petitioner that on the verge of his retirement, the Special Officer of the Society has passed an order dated 31.05.2012 permitting the petitioner to retire without prejudice to the proceedings initiated by him and the disbursal of the terminal benefits was kept in abeyance. The petitioner, in this

regard, submitted a representation dated 02.06.2013 praying for disbursal of terminal benefits. Since no order was passed, he came to file this writ petition.

3. Mr.C.Prakasam, learned counsel for the petitioner has drawn the attention of this Court to the judgment of the Honourable Supreme Court dated 14.08.2013 made in Civil Appeal No.6770 of 2013 (State of Jharkhand & Ors. vs. Jitendra Kumar Srivastava & Another) wherein it has been held that in the absence of any provisions in the Pension Rules, part of pension or gratuity during the pendency of the departmental proceedings, cannot be withheld. Hence, he prays for appropriate orders.

4. The Court heard the submissions of Mr.L.P.Shanmugasundram, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5. Though the petitioner has prayed for larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in the representation or in the writ petition, directs the second respondent to consider and dispose of the petitioner's representation dated 02.06.2013 and 22.08.2014 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

vsi

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To

1.The Joint Registrar of Coop. Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.

2.The President,
E 2672, Vallam Padugai Primary,
Agricultural Coop. Credit Society,
Vallam Padugai, Kurinjipadi Taluk,
Cuddalore District.

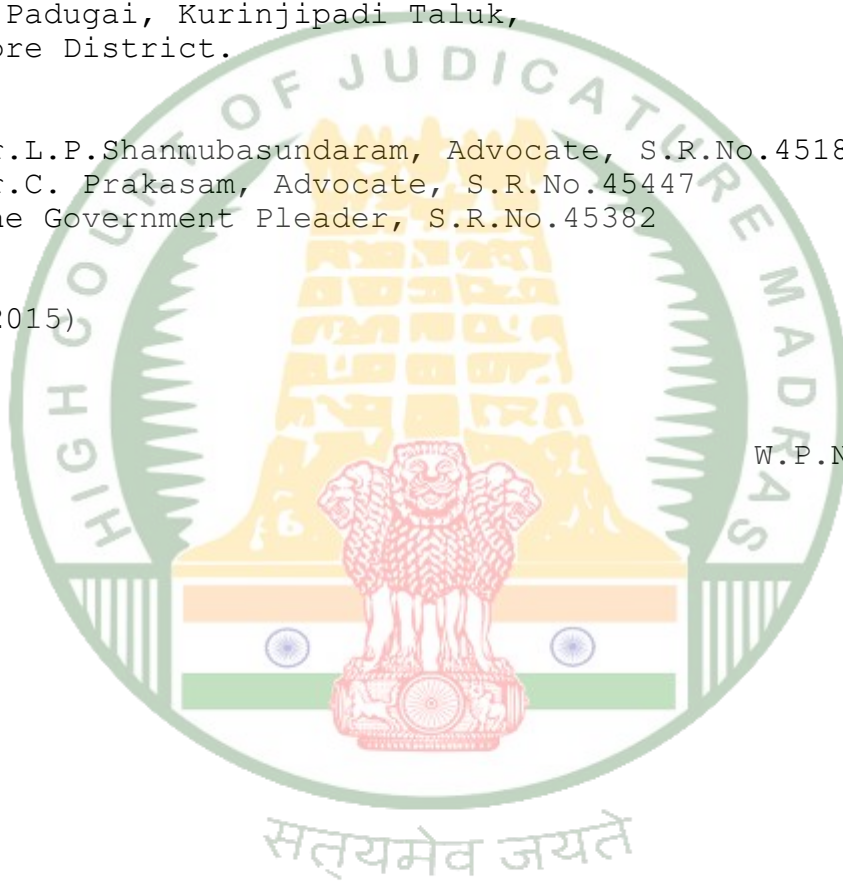
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.45183

+1cc to Mr.C. Prakasam, Advocate, S.R.No.45447

+1cc to the Government Pleader, S.R.No.45382

KSJ(CO)
EU(14/09/2015)

W.P.No. 26505 of 2015



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