



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2015

CORAM:

THE HONOURABLE Mr.JUSTICE D.HARIPARANTHAMAN

W.P. (MD) No.21766 of 2015

WEB COPY

N.Vaikkalsamy

...Petitioner

Vs.

1.The Deputy Registrar,
Deputy Registrar of Cooperative Societies,
Palani.

2.The Joint Registrar,
Joint Registrar of Cooperative Societies,
Collector Office,
Dindigul.

3.The President,
D.D.525, Perichipalayam,
New Ayakudi Primary Agriculture Cooperative Credit Society,
Ayakudi, Palani Taluk,
Dindigul.

...Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant the gratuity amount and other retirement benefits to the petitioner by considering the petitioner's representation dated 05.10.2015.

For Petitioner : M/s.V.P.M.Vaishnavi

For Respondent : Mr.T.R.Janarthanam, AGP for R1 and R2

Mr.B.Pugalenthil for R3

O R D E R

The petitioner rendered 27 years of service in the 3rd respondent / Society. He retired from service on 30.04.2015 on reaching the age of superannuation.

2.The grievance of the petitioner is that he is not settled with the terminal benefits such as, provident fund, gratuity, earn leave encashment benefit, etc. The petitioner has relied on the proceedings in Na.Ka.No.57598/2012, dated 06.07.2012 issued by the Registrar of Cooperative Societies, Chennai, directing all the Cooperative Societies to settle the gratuity amount in accordance with Payment of Gratuity Act.

3.In fact, I am of the view that wherever the Society is governed by the Payment of Gratuity Act, the gratuity shall be paid to the employees of the Society and if the Payment of Gratuity Act is not applicable, then the gratuity shall be paid in accordance with Section 79 of the Tamil Nadu Cooperative Societies Act. Likewise, if the Cooperative Society is governed by the Employees Provident Funds and Miscellaneous Provisions Act, 1952, the employee of the Society shall be settled with the Provident Fund Commissioner. If it is not so, the employee is entitled to the provident fund as per Section 78 of the Tamil Nadu Cooperative Societies Act. In any event, an employee

of the Cooperative Society is entitled for provident fund and gratuity as per the Tamil Nadu Cooperative Societies Act.

4.The payment of terminal benefits such as provident fund and gratuity is not bounty and it is the hard earned money for the service rendered by the employee of the Society. Hence, the Society is not correct in not settling the terminal benefits to the petitioner.

5.In these circumstances, the Writ petition is allowed directing the 3rd respondent to pay the terminal benefits to the petitioner in 6 equal instalments and the first instalment shall be commenced from 10.01.2016. If there is any default in payment of any instalment, the defaulted amount would carry 18% interest per annum for the defaulted period until its payment. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

- 1.The Deputy Registrar,
Deputy Registrar of Cooperative Societies,
Palani.
- 2.The Joint Registrar,
Joint Registrar of Cooperative Societies,
Collector Office, Dindigul.
- 3.The President,
D.D.525, Perichipalayam,
New Ayakudi Primary Agriculture Cooperative Credit Society,
Ayakudi, Palani Taluk,
Dindigul.

+1cc to M/s.V.P.M.Vaishnavi, Advocate in SR.70014
+1cc to the Special Government Pleader in SR.69992

W.P. (MD) No.21766 of 2015
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nbg

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