



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2015

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE D.HARIPARANTHAMAN

W.P. (MD) No.21781 of 2015

P.Marimuthu

... Petitioner

Vs.

1.The Registrar, (Housing),
Tamil Nadu Housing Board Complex,
II Floor, 493 Annasalai,
Nandhanam, Chennai 600 035.

2.The Managing Director,
Tamil Nadu Cooperative Housing Federation,
48 Rithortam Road,
Vepery, Chennai 600 007.

3.The Deputy Registrar (Housing),
3D Salai Maninagaram,
Tamil Nadu Cooperative Housing Federation,
Virudhunagar Region,
Virudhunagar.

4.The President,
MDA HSG 108, Srivilliputhur,
Taluk Cooperative Housing Society Limited.,
13/1, NGGO Colony, Srivilliputhur PO,
Virudhunagar District 626 125.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the service rendered by the petitioner as Noon Meal Organizer from 03.02.1983 to 31.08.1993 for awarding pension with arrears and a with 18% of interest per annum and also refund Rs.8,080/- deducted from the petitioner retirement benefit at once.

For Petitioner	: Mr.P.Gnanapathi Subramanian
For Respondents	: Mr.T.R.Janarthanam, AGP for R1 to 3 Mr.M.Alagadevan, AGP for R4



ORDER

The petitioner rendered 35 years of service in the 4th respondent / Society. He retired from service on 31.05.2015 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, etc. The petitioner has relied on the proceedings in Na.Ka.No.276/15/KeVe, dated 26.02.2015 directing the Cooperative Societies to settle the gratuity amount in accordance with Payment of Gratuity Act.

3.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 by the concerned 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 (AS)

/True Copy/

Sub Assistant Registrar



To

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+ 1 CC TO M/S.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR NO. 69831
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 69988

NBJ

TE/SKS-RR/ : 23/12/2015 : 3P/7C

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