

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.8175 of 2014
M.P.Nos.1 and 2 of 2014

S.Palanivel

... Petitioner

Vs.

1. The Assistant Director of
Co-operative Audit,
Cuddalore-1,
Cuddalore District.
2. The Deputy Registrar (Housing)
(Addl. incharge)
Co-operative Society,
Cuddalore-1,
Cuddalore District.
3. The President/Special Officer,
Co-operative House Building
Society Ltd., E-2036,
Kattumannarkoil,
Cuddalore District.
4. The Registrar (Housing)
Co-operative Society,
Chennai.
5. The Director of Co-operative Audit,
Chennai.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, to call for the records of the 1st respondent final Audit Report, dated 28.03.2013, for the period 2001-2002 to 2011-2012 and consequential two impugned orders Na.Ka.No.4444/2013 N.V.VA, dated 29.04.2013, passed by the 2nd respondent and the impugned order Na.Ka.No.A2/2013.B, dated 30.04.2013, passed by the third respondent to quash the same as null and void and consequentially, directing the 4th respondent to disburse the retirement service settlement benefits and monetary benefits to the petitioner with 18% interest from 30.04.2013 and pay cost of petition, to the petitioner, till date of realisation.

For Petitioner

: Mr.A.Zakir Hussain

For Respondents

: Ms.T.P.Savitha

O R D E R

Initially, Mr.S.Palanivel was appointed temporarily as Clerk, on daily wage basis, vide proceedings, dated 31.08.1980, of the Special Officer, Rural Co-operative Housing Society, Chidambaram Taluk. After getting approval from the 2nd respondent, the petitioner was allowed to retire from service on 30.04.2013. But his only grievance is that the respondents have not come forward to release the retiral benefits, viz., Employment Provident Fund, Gratuity, Security Deposit, etc.

2. Ms.T.P.Savitha, learned counsel appearing for the respondents drawn the attention of this Court to the counter affidavit and submitted that since the appointment of the petitioner was not made, through the Employment Exchange, as per Rule 149 of the Tamil Nadu Co-operative Societies Rules, 1988 and his services were not regularised by the authorities, the audit has raised an objection, with regard to his very initial appointment. She further submitted that since the Audit report has indicated that in view of the retirement of the petitioner, from the post of Secretary, the authorities have to take a speedy action, in order to get the retirement benefits, the impugned orders have been passed, making it clear that the petitioner is not entitled to any service benefits.

Heard the learned counsel appearing for both parties and perused the materials available on record.

3. No doubt, the services of the petitioner were not regularised, although his original appointment was approved, vide proceedings, dated 20.12.1984, by the Special Officer, Rural Co-operative Housing Society, Chidambaram Taluk. Later on, an audit objection has been raised that the petitioner's service is not being regularised and he was not entitled to get any service benefits. But the prayer of the petitioner clearly shows that he is seeking for a direction to release the Employment Provident Fund, Gratuity and Security Deposit. Therefore, this Court finds no justification to withhold the Employment Provident Fund, Gratuity and Security Deposit, which is the property of the petitioner.

4. Hence, this Court hereby directs the respondents to disburse the amounts, withheld in Employment Provident Fund, Gratuity and Security Deposit, within a period of eight weeks, from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skm

To

1. The Assistant Director of
Co-operative Audit,
Cuddalore-1,
Cuddalore District.
2. The Deputy Registrar (Housing) Co-operative Society,
Cuddalore-1,
Cuddalore District.
3. The President/Special Officer,
Co-operative House Building Society Ltd., E-2036,
Kattumannarkoil,
Cuddalore District.
4. The Registrar (Housing) Co-operative Society,
Chennai.
5. The Director of Co-operative Audit,
Chennai.

+1cc to Mr.A. Zakir Hussain, Advocate, S.R.No.8929

RSY(CO)
EU(31/03/2016

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