

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.17419 of 2015

and

M.P.No.1 of 2015 and W.M.P.No.15726 of 2016

K.R.Lakshmanan

... Petitioner

Vs.

1. The Registrar of Co-Operative Societies,
No.170, N.V.N. Maligai, Kilpauk,
Chennai - 10.
2. The Joint Registrar of Co-operative Societies,
Salem Region, Salem.
3. 8322, Avaniperur Melmugam K.Pudur Primary
Agricultural Co-operative Credit Society Ltd.,
Rep. by its President,
Edapadi Post and taluk,
Salem District. ... Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to issue a writ of mandamus directing the respondents to pay the petitioner retirement benefits, provident fund, leave salary, caution deposit and gratuity, totally of Rs.4,90,811/- with 12% interest from the date of retirement to till payment.

For Petitioner : Mr.S.P.Yuaraj

For Respondents : Mr. L.P.Shanmugha Sundaram,
Spl.G.P.

O R D E R

With the consent on both sides, the writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Mandamus directing the respondents to issue a writ of mandamus directing the respondents to pay the petitioner retirement benefits, provident fund, leave salary, caution deposit and gratuity,

totalling of Rs.4,90,811/- with 12% interest from the date of retirement to till payment.

3. It is the case of the petitioner that he has joined as a clerk in the 3rd respondent society and promoted as a Secretary on 02.01.1989. He has completed 40 years of unblemished service and retired on 31.05.2010. During his tenure, the Deputy Registrar of Co-Operative Societies, Omalur Circle initiated surcharge proceedings against the petitioner and 15 others for recovery of Rs.1,70,631/-. In view of surcharge proceedings, the retirement benefits of Rs.4,90,811/- has been withheld by the respondents. Hence, the petitioner has come forward with the present writ petition.

4. Today when the matter was taken up for consideration learned counsel for the petitioner submitted that now surcharge proceeding was set aside by an order of this Court in C.R.P (NPD).Nos.59, 60 of 2015 dated 26.09.2016 and he has also produced a copy of the said order before this Court.

5. Learned Special Government Pleader, appearing for the respondents also submitted that C.R.P.(NPD).No.59 & 60 of 2015 was allowed and surcharge proceeding was set aside by this Court.

6. Now, since the surcharge proceedings was set aside, there may not be any bar to pay the retirement benefits to the petitioner. Hence, this Court, directs the respondents 1 and 2 to pay the retirement benefits of the petitioner with statutory interest within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mrp

To

1. The Registrar of Co-Operative Societies,
No.170, N.V.N. Maligai, Kilpauk,
Chennai - 10.
2. The Joint Registrar of Co-operative Societies,
Salem Region, Salem.

3. 8322, Avaniperur Melmugam K.Pudur Primary
Agricultural Co-operative Credit Society Ltd.,
Rep. by its President,
Edapadi Post and taluk,
Salem District.

1 cc to Mr.S.P. Yuvaraj, Advocate, Sr. 60822
1 cc to Mr.L.P. Shanmugasundaram, Advocate, Sr. 61232
1 cc to Government Pleader, Sr. 61721

W.P.Nos.17419 of 2015

RJ (CO)
kk 16/11



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