

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 24209 of 2016
and
W.M.P.No.20684 of 2016

Raufunnissa

... Petitioner

Vs.

1. The Registrar of Co-operative Society
No.170, E.V.R.Periyar High Road
Kilpauk, Chennai-600 010.
2. The Joint Director
Directorate of Government Examination
College Road
D.P.I. Nungambakkam
Chennai-600 034.
3. The Regional Deputy Director
Office of the Deputy Director of
Government Examination
Vellore Region, Vellore District.
4. The President
Tamil Nadu Education Department
Government Officials Co-operative
Credit and Thrift Society Limited
College Road
D.P.I. Nungambakkam
Chennai-600 034.
5. Mrs.Sudhandharavalli
Arbitrator
Tamil Nadu Educational Department
Government Officials Co-operative
Thrift and Credit Society Limited
Chennai-600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents to settle the entire retirement benefits to the petitioner in a

time bound manner as per the representation dated 02.06.2016 and pass such further orders as this Court may deem fit and proper.

For Petitioner : Mr.R.Karunagaran

For Respondents : Mr.R.Balaramesh
Additional Government Pleader
for R.1 to R.3

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to settle the entire retirement benefits to the petitioner as per her representation, dated 02.06.2016, within a time frame.

3. The petitioner worked as the Superintendent in the Government Examination and on 10.10.2005, she has been relieved from service, on Compulsory Retirement. While in service, she has availed a loan of Rs.1,50,000/- in the 4th respondent Society. After retirement, the 4th respondent Society had not taken any steps to recover the same. The 3rd respondent vide letter, dated 07.01.2015, blocked her retirement benefits. In this regard, the petitioner has submitted a representation on 04.02.2016. On 29.01.2016, the 3rd respondent attached certain amount. On 11.04.2016, the 4th respondent called upon the petitioner and her surety before the 5th respondent and the 5th respondent passed an award in Claim No.795/2015-16, directing the petitioner to pay Rs.2,67,803/- with 16% per annum from 12.04.2016. Hence, the Writ Petition has been filed seeking the relief stated supra.

4. Mr.R.Karunagaran, the learned counsel for the petitioner would submit that of course, there is an Arbitration Award passed against the petitioner in Claim No.795/2015-16, directing her to pay certain amount. Without prejudice to her right, she seeks to challenge the same before the Appellate Authority. The petitioner's grievance is that she has to be paid the balance retirement benefits, after deducting the award amount.

5. Mr.R.Balaramesh, the learned Additional Government Pleader appearing for the respondents 1 to 3, would contend that the petitioner may be directed to give a representation to the 3rd respondent within a period of one week from the date of receipt of a copy of this order, reserving her right to file an

appeal against the award amount and seeking for the balance amount to be paid to her, after deducting the amount due as per the award, and on receipt of such representation, the 3rd respondent will consider the same and if there is any excess amount available in the retirement benefits, the same would be paid to her, by passing appropriate orders, within a period of eight weeks thereafter.

6. Considering the above submission, this Court, without going into the merits of the claim made by the petitioner, directs the petitioner to give a representation to the 3rd respondent within a period of one week from the date of receipt of a copy of this order, reserving her right to file an appeal against the award amount and seeking for the balance amount to be paid to her, after adjusting the award amount, and if any such representation is made by the petitioner, the 3rd respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Registrar of Co-operative Society
No.170, E.V.R.Periyar High Road
Kilpauk, Chennai-600 010.

2. The Joint Director
Directorate of Government Examination
College Road
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3. The Regional Deputy Director
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Vellore Region, Vellore District.

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Chennai-600 034.
5. Mrs.Sudhandharavalli
Arbitrator, Tamil Nadu Educational Department
Government Officials Co-operative
Thrift and Credit Society Limited
Chennai-600 006.

+1cc to Mr.R.Karunakaran, Advocate, S.R.No.39464
+1cc to the Government Pleader, S.R.No.39682

W.P.No. 24209 of 2016

PPA(CO)
CA(05/08/2016)



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