

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P. No. 33553 of 2012

Swaminathan

.. Petitioner

Versus

1. The Registrar of Co-operative Societies,
Chetpet,
Chennai.
2. The Joint Registrar of Co-operative Societies,
Ariyalur.
3. The Deputy Registrar of Co-operative Societies,
Ariyalur.
4. The President,
R-2849, Aranmanaikurichi Primary Agricultural
Co-operative Credit Society,
Aranmanaikurichi,
Ariyalur District.

(R2 to R4 are impleaded as per the order of
this Court dated 03.08.2016 in
W.M.P.No.19675 of 2016 in W.P.No.33553 of 2012)

5. The District Collector,
Office of Collectorate,
Ariyalur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus, to direct the respondents herein to disburse the retirement benefit amounts payable to the petitioner within a time framed as fixed by this Court along with interest @ 18% from 01.07.2003 onwards till payment of the retirement benefits.

For Petitioner : Mr.N.Nithianandam

For Respondents : Mr.L.P.Shanmugasundarm,
Special Government Pleader

ORDER

The present writ petition has been filed by the petitioner praying to issue a writ of mandamus, directing the respondents to disburse the retirement benefit amounts payable to him, within a time frame to be fixed by this Court along with interest @ 18% p.a. from 01.07.2003 onwards till payment of the retirement benefits.

2. The petitioner was working as a Secretary in the fourth respondent Society and after rendering 30 years of service, he retired from service on 30.06.2003. According to the petitioner, there was no disciplinary proceedings pending against him as on the date of his retirement. However, the fourth respondent denied to disburse the gratuity amount of Rs.59,393/- payable to him. Therefore, the petitioner filed P.G.A. No. 52 of 2005 under Section 8 of the Payment of Gratuity Act 1971, before the Controlling Authority Trichy claiming the amount of Rs.59,393/-. The Controlling Authority, by order dated 26.09.2005, ordered the fourth respondent to pay a sum of Rs.59,393/- to the petitioner. However, the fourth respondent has not complied with the said order. Hence, the petitioner made a complaint to the Controlling Authority about the non-compliance of the said order. Even after completion of two years, the fourth respondent did not come forward to pay the said gratuity amount. Though the Controlling Authority issued certificate dated 29.07.2007 to the 5th respondent to initiate proceedings under the provisions of the Revenue Recovery Act to realize the gratuity amount, neither the fifth respondent initiates any proceedings nor the fourth respondent pays the amount.

3. According to the petitioner, the 3rd respondent, by his proceedings dated 24.04.2002, ordered to recover a sum of Rs.13,051.65 with 18% interest under the provisions of the Tamil Nadu Co-operative Societies Act against him and another. Aggrieved against the same, the petitioner and others filed C.M.A.C.S.No.47 of 2003 before the District Court Perambalur and the same was allowed by a reasoned order dated 19.12.2003 setting aside the order dated 24.04.2002 of the third respondent. As there was no appeal against the said order dated 19.12.2003, it has become final. Hence, the third respondent has to repay the said amount. According to him, the respondents

have to pay the gratuity amount and the amount illegally recovered from his retirement benefits.

4. In this regard, the petitioner made several representations to the respondents praying to pay the gratuity amount and the amount illegally recovered from his retirement benefits. However, there was no response from the respondents. Thereafter, the petitioner finally made a detailed representation dated 22.01.2009 to the respondents seeking the above said relief. Till date, there is no response from the respondents. Hence, the petitioner has filed the present writ petition.

5. The learned counsel appearing on behalf of the petitioner has submitted that it would suffice, if the representation of the petitioner, dated 22.01.2009, is directed to be disposed of by the respondents, on merits and in accordance with law.

6. The learned Special Government Pleader appearing for the respondents has no objection for such an order being passed by this Court.

7. Considering the submissions made on either side, this Court directs the fourth respondent to consider the representation of the petitioner, dated 22.01.2009, and pass appropriate orders, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-

सत्यमेव जयते
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Registrar of Co-operative Societies,
Chetpet,
Chennai.

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Aranmanaikurichi,
Ariyalur District.
5. The District Collector,
Office of Collectorate,
Ariyalur District.

+1 CC to Mr. N. Nithianandam, Advocate Sr.No.44303
+1 CC to Government Pleader Sr.No.44159

W.P.No.33553 of 2012

LRS (CO)
MD : 17/10/2016



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