

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.33683 of 2012

G.Francis

... Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
Chetpet, Chennai.
- 2.The Joint Registrar of Co-operative Societies,
Perambalur.
- 3.The Deputy Registrar of Co-operative Societies,
Perambalur.
- 4.The Special Officer,
R.581, Ariyalur Agricultural and Co-operative
Society Limited,
Ariyalur.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to pay all the retirement benefits, such as Provident Fund, Gratuity, Leave Salary, Security Deposit, Savings and other benefits entitled to the petitioner within a time frame along with interest @ 18% from 27.02.2009 onwards till payment of the retirement benefits.

For petitioner : Mr.N.Nithianandam

For Respondents : Mr.L.P.Shanmughasundaram, Spl.GP

ORDER

By way of filing this writ petition, the petitioner seeks a direction to the respondents to pay all the retirement benefits, such as Provident Fund, Gratuity, Leave Salary, Security Deposit, Savings and other benefits, along with interest @ 18% from 27.02.2009 onwards till payment of the retirement benefits.

2. It is seen that the petitioner had retired from service way back in the year 2009. However, till date, he has not been settled with the retirement benefits. Such fact was also admitted in the counter affidavit filed by the fourth respondent.

3. Learned counsel appearing for the respondents submitted that they may be permitted to pay the retirement benefits on monthly instalment.

4. It is settled law that grant of pension is not a bounty, but a right of the government servant. Delay in settlement of retiral benefits is frustrating one to a Government servant and therefore, the same must be avoided at all costs. In the case on hand, the petitioner retired from service way back in the year 2009. However, till date i.e. even after 7 years, he has not been settled with the retirement benefits. Hence, the contention of the respondents that the terminal benefits are not paid to the petitioner due to the financial crisis is not acceptable to this court. It must be noted that after the retirement, the employee will not get salary and the only source for his survival is his terminal benefits. Therefore, on this score, this Court directs the fourth respondent to settle the retirement benefits in 12 instalments, commencing the first instalment from September'2016 onwards and they are further directed to pay every instalment on the 10th day of every month.

5. With the above directions, the writ petition stands disposed of. No Costs.
rkm

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

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

2.The Joint Registrar of Co-operative Societies, Perambalur.

3.The Deputy Registrar of Co-operative Societies, Perambalur.

4.The Special Officer, R.581, Ariyalur Agricultural and Co-operative Society Limited, Ariyalur.

+ 1 cc to M/s.L.P.Shanmugasundaram, Advocate SR 32313

+ 1 cc to M/s.N.Nithianandam, Advocate SR 32322

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