

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.33687 of 2012

Kalyani

... 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,
Ty.Spl.127, Koothur Primary Agricultural and Co-operative
Society Limited,
Perambalur District. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to disburse the retirement benefits amounts payable to the petitioner within a time frame along with interest @ 18% from 31.10.2003 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 disburse the retirement benefits of his father, who died on 20.06.2004 after rendering 30 years of service in the respondent department, along with interest @ 18% from 31.10.2003 onwards till the payment of the retirement benefits.

2. It is stated in the counter affidavit filed by the fourth respondent that as recommended by the Enquiry Officer appointed under Section 81 of the Tamil Nadu Co-operative Societies Act (in short "Act"), the third respondent initiated

surcharge proceedings under Section 87 of the Act. It is further stated that the third respondent has passed the surcharge awarded dated 02.05.2015 under Section 87 of the Act directing to pay a sum of Rs.3,03,743.08/- due to the loss caused by him. Thus, in view of the pendency of surcharge proceedings, the respondent department has not settled the retirement benefits to the petitioner.

3. As against the award passed under Section 87 of the Act, there is an appeal remedy available to the petitioner under Section 152 of the Act. However, without resorting to such remedy available to her, she has filed the present writ petition. In such view of the matter, this Court permits the petitioner to prefer an appeal under Section 152 of the Act within a period of ten days from the date of receipt of a copy of this order. On filing of such appeal, the first respondent is directed to dispose of the appeal within a period of three months thereafter on merits and in accordance with law. The first respondent is further directed not to take note of the undue delay occurred in preferring the appeal.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rkm
To

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

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

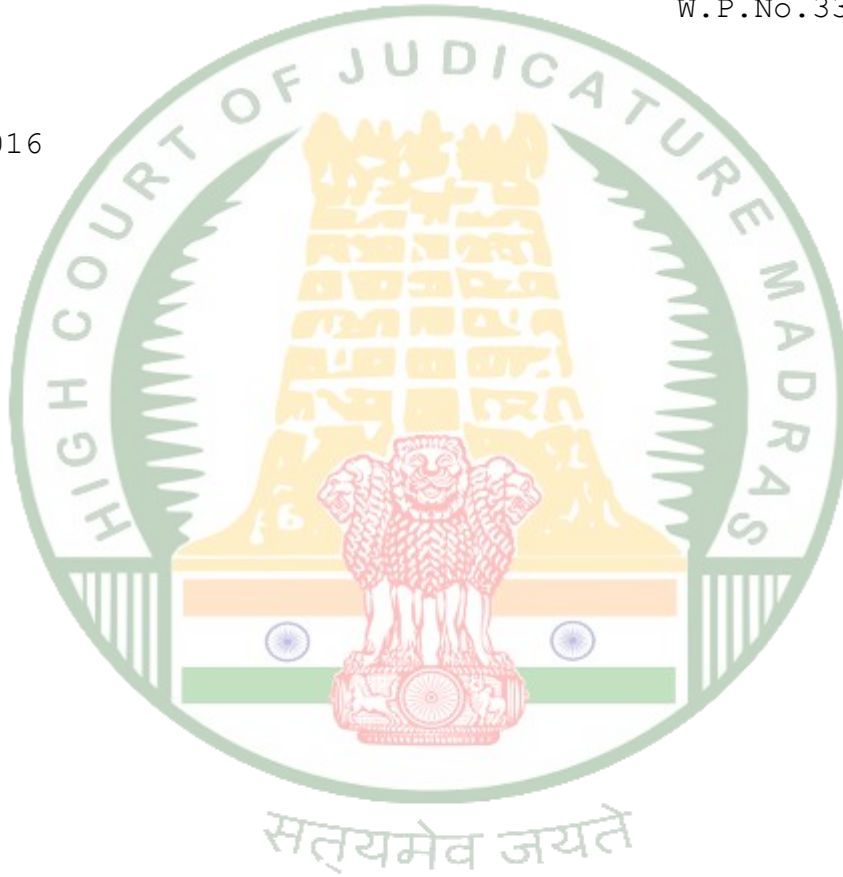
3.The Deputy Registrar of Co-operative Societies,
Perambalur.

4.The Special Officer,
Ty.Spl.127, Koothur Primary Agricultural and Co-operative
Society Limited,
Perambalur District.

+1 cc to Government pleader sr.32955
+1 cc to Mr.N.Nithianandam Advocate sr.32323

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