

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08/11/2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38916 of 2016

T.S.Balasubramanian ... Petitioner
vs.

- 1.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative
Societies, N.V.N.Maaligai, Kilpauk,
Chennai-10.
- 2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative
Societies, T.S.No.6103/2, Combined Co-operative
Offices Complex, Annavasal Road,
Pudukottai-622 005.
- 3.T.493, Mudhukulam Primary Agricultural Co-operative
Credit Society Limited,
rep. by its President,
Kurungulam Melpathi Post,
Gandharvakottai Taluk,
Pudukottai District-613 303. ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to forthwith disburse the retirement benefits to the petitioner based on the petitioner's representation dated 30.09.2016 by giving necessary directions to the respondents 2 and 3.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.L.P.Shanmugha Sundaram,
Spl. Govt. Pleader

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The Writ Petition has been filed to issue a Writ of Mandamus, directing the 1st respondent to forthwith disburse the retirement benefits to the petitioner based on

his representation dated 30.09.2016 by giving necessary directions to the respondents 2 and 3.

3. The case of the petitioner is that the petitioner was appointed as an Attender in the 3rd respondent Society on 01.05.1979 and on 16.02.1997, he was posted as the Secretary-in-charge and subsequently as Secretary on 01.04.1998. Thus, the petitioner has served the 3rd respondent Society for 36 years and 3 months. On 31.07.2015, the petitioner was permitted to retire from service. However, he was not given the retirement benefits, namely, Provident Fund, Gratuity, Earned Leave Encashment and increment for the post of Secretary from July, 2008 till date of his retirement on 31.07.2015. In this regard, the petitioner made a representation to the 2nd respondent on 28.10.2015. The 2nd respondent by his proceedings dated 02.11.2015, directed the 3rd respondent to disburse the Provident Fund contribution only to the petitioner. But no retirement benefits were given to the petitioner. Therefore, the petitioner made a last representation on 19.09.2016 to the respondents 2 and 3. Since no action has been forthcoming on the same, he sent a detailed representation dated 30.09.2016 to the 1st respondent. Thereafter also, no amount towards retirement benefits has been paid to the petitioner. Hence the present Writ Petition.

4. Heard the learned Counsel for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to furnish a copy of the representation dated 30.09.2016 along with a copy of this Order to the 1st respondent to forthwith disburse the retirement benefits to him based on his representation dated 30.09.2016, within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the 1st respondent shall give necessary directions to the respondents 2 and 3, within a period of four weeks thereafter with regard to the disbursement of retirement benefits to the petitioner.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

tsi

To

- 1.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative
Societies, N.V.N.Maaligai, Kilpauk,
Chennai-10.
- 2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative
Societies, T.S.No.6103/2, Combined Co-operative
Offices Complex, Annavasal Road,
Pudukottai-622 005.
- 3.President,
T.493, Mudhukulam Primary Agricultural Co-operative
Credit Society Limited,
rep. by its
Kurungulam Melpathi Post,
Gandharvakottai Taluk,
Pudukottai District-613 303.

1 cc to Mr.K. Selvaraj, Advocate, Sr. 64461

1 cc to Mr.L.P. Shanmugasundaram, Advocate, Sr. 63618

W.P.No.38916 of 2016

RJ (CO)
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