



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2016

CORAM

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P. (MD) No.22886 of 2016

Ayyanar

... Petitioner

Vs.

1.The Deputy Registrar of
Co-operative Societies,
Kajamalai,
Tiruchirappalli - 23.

2.The President,
R 1554, Ordinance Factory
Employee's Cooperative
Stores Ltd.,
Tiruchirappalli - 6.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to disburse Rs.2,75,500/- with 18% interest from the date of the retirement i.e. 30.04.2015, which accrued, to the petitioner towards his retirement benefits, by considering his representation dated 20.06.2016 within stipulated time as may be fixed by this Court.

For Petitioner : Mr.M.Sridharan

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

This Writ of Mandamus has been filed, seeking a direction to the respondents to disburse Rs.2,75,500/- with 18% interest from the date of the retirement i.e. 30.04.2015, which accrued to the petitioner towards his retirement benefits, by considering his representation dated 20.06.2016.

2.Heard the learned counsel for the petitioner and the learned additional government Pleader for the respondents. By consent, the petition itself is taken up for final disposal at the stage of admission.



3.The petitioner worked as weighing man in the office of the second respondent and after periodical promotion, he retired from service on 30.04.2015. Based on the complaint given by the Deputy Registrar of cooperative societies, a case in Crime NO.4 of 1998 has been registered on the file of CCIW, Trichirapalli and charge sheet has been laid in C.C.No.687 of 2002, in which the petitioner herein has been shown as accused No.3. The Judicial Magistrate No.I, Trichirapalli passed an order of acquittal as against the petitioner/third accused and while passing judgment, the Court relied upon two decisions namely 2006 (2) MLJ (Cr1) 673 and AIR 1998 SC 788, whereunder conviction was set aside taking into account the nature of offence and character of the offender and direction was issued to release the offender under Section 4 of the probation of Offenders Act.

4.Following the above said two decisions, the Criminal Court found the petitioner/A3 guilty but released him under Section 4(1) of the probation of Offenders Act based on the good conduct of the petitioner.

5.There are no materials produced to show that as against the judgment any appeal has been preferred. The petitioner has attained superannuation on 30.04.2015, just three days after the passing of the judgment by the criminal Court. Thereafter, on 24.12.2015, a representation has been submitted and again second representation has been submitted on 20.06.2016 to both the respondents seeking to disburse retirement benefits.

6.It is the grievance of the petitioner that the petitioner's claim for disbursement of retirement benefits has not been considered for the past 1 ½ years, even through the petitioner has retired from service on 30.04.2015.

7.As such time has elapsed, the respondents 1 and 2 are directed to dispose of the representations dated 24.12.2015 and 20.06.2016 and pass appropriate orders on merits and in accordance with law. As the disbursement of retirement has been delayed without reasonable cause, respondents 1 and 2 are directed to disburse the retirement benefits, within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1.The Deputy Registrar of
Co-operative Societies,
Kajamalai,
Tiruchirapalli - 23.

2.The President,
R 1554, Ordinance Factory
Employee's Cooperative
Stores Ltd.,
Tiruchirapalli - 6.

+1cc to Mr.M.Sridharan, Advocate Sr.No.74993

+1cc to special Government Pleader SR.No.78098

mj

SM:SV-MMS:SAR 1:13.02.2017:3p/5c

W.P. (MD) No.22886 of 2016
30.11.2016