

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.A.No.1447 of 2017
and
C.M.P.No.19432 of 2017

1 The Joint Registrar of
Co-operative Societies
Namakkal Region
Namakkal District.

2 No.994 Tiruchengode Co-operative
Urban Bank Ltd.
Rep. by its Managing Director
Tiruchengode-637 211
Namakkal District.

Appellants/
Respondents

Versus

R.Gopalan

Respondent/
Writ Petition

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.11.2016 passed in W.P.No.25666 of 2016 on the file of this court.

Writ Petition No.25666 of 2016:

Writ petition filed under Article 226 of constitution of India praying for the issuance of a writ of certiorari fied mandamus calling for the records of 1st respondent in Na.Ka.No.4450 of 2015 Sa.Pa.dated 16/06/2016, quash the same and directed the respondents to pay the statutory interest of 12% per annum as RS.1,77,221.94 for 253 days for be lated payment of the petitioner's retirement benefits.

For appellants : Mr.S.T.S.Moorthi for
Mr.L.P.Shanmugasundaram
Special Government Pleader

For respondent : Mr.M.S.Palanichamy
for Mr.V. Ravidhandhan

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. Challenging the order passed by the learned Single Judge directing the appellants to pay interest at 12% per annum on the belated payment of the writ petitioner's retirement benefits, the present writ appeal has been filed.

3. The stand taken by the appellants is that since a criminal case in CC.No. 71 of 2006 for the offence punishable under sections 120(B), 408, 467, 468, 471, 477(A) read with 109 of the Indian Penal Code registered against the writ petitioner/respondent herein alongwith some of his colleagues, was pending before the Judicial Magistrate, Tiruchengode, the contribution of the respondent towards P.F. account and gratuity amount were withheld initially, however, it was later, paid pursuant to the order passed by this court in W.P.No.16744 of 2014, but, the interest for the belated payment of retirement benefits are still withheld because of the pendency of the said criminal case even as on date.

4. The grievance expressed by the appellants cannot be simply ignored. Therefore, in the interest of justice, the appellants are directed to pay the interest amount for the belated payment of retirement benefits as directed by the learned Single Judge, within a period of two months from the date of receipt of a copy of this judgment, however, with liberty to proceed against the respondent herein for recovery of any amount in accordance with law, in case the criminal proceedings goes against him. The order passed by the learned Single Judge is modified to the above extent. Accordingly, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

1 The Joint Registrar of
Co-operative Societies
Namakkal Region Namakkal District.

2 The Managing Director
No.994 Tiruchengode Co-operative
Urban Bank Ltd.
Tiruchengode-637 211
Namakkal District.

+1 CC to Mr.L.P.Shanmugasundaram Advocate SR.NO.91907

+1 CC to Government Pleader, vide SR.NO.91990

+1 CC to Mr.Mr.V.Ravidhandhan Advocate SR.NO.90981

W.A.No.1447 of 2017

VC (30/01/2018)