

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2017

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.4792/2017

C. Selvamani

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Petitioner

Versus

1 The Registrar,
Co-operative Societies,
Kilpauk, Chennai- 600 010.

2 The Joint Registrar,
Co-operative societies,
Nagapattinam District,
Nagapattinam.

3 The Deputy Registrar,
Co-operative Societies,
Mayiladuthurai,
Nagapattinam District.

4 The President,
Z-309, Peruncherry Agricultural,
Co-operative Credit Society,
Peruncherry Post, Kuttalam Taluk,
Nagapattinam District.

5. The Secretary,
Z-309, Peruncherry Agricultural,
Co-operative Credit Society,
Peruncherry Post, Kuttalam Taluk,
Nagapattinam District.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents herein to disburse the retirement monetary benefits of the petitioner according to the letter of the 4th respondent dated 15.09.2016 together with interest at the rate of 12.5% p.a. from the date of the petitioner's superannuation to till date of payment, within stipulated time.

For Petitioner : Ms.G.Soundari
For Respondents : Mr.L.P.Shanmugasundaram
Spl.GP [Coop]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.L.P.Shanmugasundaram, learned Special Government Pleader [Coop] accepts notice on behalf of the respondents.

2 It is not in serious dispute that the petitioner retired from services of Z-309, Peruncherry Agricultural Cooperative Credit Society, Peruncherry Post, Kuttalam Taluk, Nagapattiname District, as a Salesman on 31.03.2015 and the grievance expressed by him is that the terminal/retiral benefits are being paid installments and that the Gratuity, Provident Fund, Earned Leave Security Deposit, has been wrongly calculated and according to him, a sum of Rs.5,54,612/- is due and payable to him and out of which, a sum of Rs.2,10,657/- alone has been settled at the time of his superannuation and he is entitled to get the balance amount together with an interest at the rate of 12% per annum from the date on which it has fallen due till full and final settlement. The petitioner, in this regard, has also repeatedly sent representations as well as legal notices and the respondents 4 and 5 had sent replies stating that the reimbursement of subsidy / waiver amount have to be received from the Government and that the Society is also on financial difficulties and as and when such amount is received, as per seniority in respect of persons who are entitled to get terminal benefits, the petitioner's claim will be settled.

3 The learned counsel appearing for the petitioner would submit that the respondents 4 and 5 took a stand that it is for the Government to reimburse the subsidy/waiver amount and due to non-receipt of the same, they are facing financial difficulties and therefore, there is a delay in settling the retiral/terminal benefits due and payable to the petitioner and prays for appropriate orders.

4 Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader [Coop] appearing for the respondents would submit that as far as payment of salary, it is nothing to do with the reimbursement of subsidy/waiver amount and the respondents 4 and 5 have to generate their own funds to pay the retiral benefits.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 A perusal of series of replies sent by the respondents 4 and 5 to the representations submitted by the petitioner would disclose that the Administration Department of the Government has to make some reimbursement and on account of the non-disbursal of the same, the Society is put to some financial difficulties.

7 In the light of the above facts and circumstances, the Secretary to Government, Cooperation, Food & Consumer Protection Department, Secretariat, Chennai-09, is directed to address the grievance of Z-309, Peruncherry Agricultural Agricultural Cooperative Credit Society, so also the respondents 1 to 3 and they shall pass appropriate orders as to the earlier settlement of the terminal/retiral benefits due and payable to the petitioner within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 4 and 5.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Registrar,
Co-operative Societies, Kilpauk, Chennai- 600 010.
- 2 The Joint Registrar,
Co-operative societies,
Nagapattinam District, Nagapattinam.
- 3 The Deputy Registrar,
Co-operative Societies,
Mayiladuthurai, Nagapattinam District.
- 4 The President, Z-309, Peruncherry Agricultural,
Co-operative Credit Society,
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Nagapattinam District.
5. The Secretary, Z-309, Peruncherry Agricultural,
Co-operative Credit Society,
Peruncherry Post, Kuttalam Taluk,
Nagapattinam District.

Copy to:

The Secretary to Government
Cooperation, Food and Consumer Protection Department,
Secretariat, Chennai 600009.

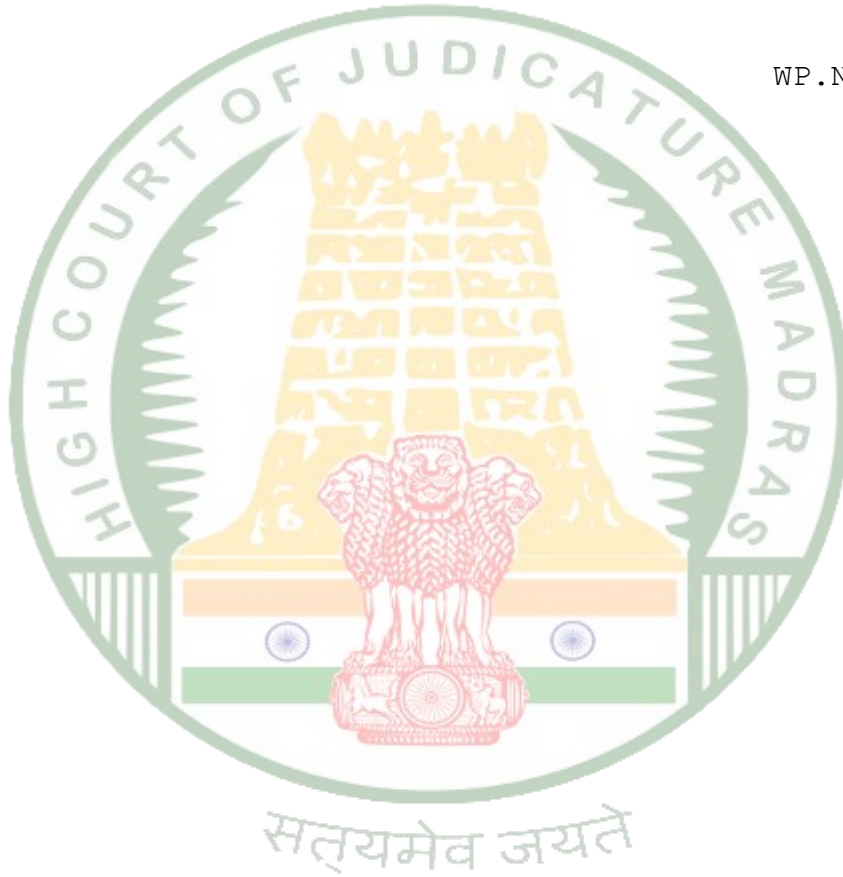
+1 CC to Govt. Pleader sr 12988

+1 CC to Mr. L.P. Shanmugasundaram, sr 12746

+1 CC to M/s. G. Soundari, sr 12208

WP.No.4792/2017

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