



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)No.16413 of 2017

M.Subbaiyah

... Petitioner

vs.

1. The Registrar of Co-operative Society,
170, EVR Periyar Main Road,
NVN Building,
Kilpauk,
Chennai.
2. The Joint Director of Co-operative Society,
Government Office Complex,
Kajamalai,
Trichy - 20.
3. The Deputy Registrar of Co-operative Society,
Government Office Complex,
Kajamalai,
Trichy - 20.
4. The President,
MM.347, Producers Co-operative Loan Society,
Nadupatti Post,
Manaparai,
Trichy - 621 315.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to settle the balance retirement benefits of Rs.1,36,905/- as requested in the petitioner's representation, dated 13.02.2017, within a time frame to be fixed by this Court.

For Petitioner : Mrs.Chamundibose
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The petitioner after rendering 38 years of unblemished service in the respondent Society, retired from service as Secretary on 30.04.2011. However, the respondent society failed to settle the retiral benefits, which compelled the petitioner to approach this



Court by way of filing W.P.(MD)No.1960 of 2014, seeking issuance of a Writ of Mandamus, directing the respondents to settle the balance retirement benefits of Rs.12,31,433/-.

2.This Court, vide order dated 06.02.2014, directed the respondents to pass appropriate orders on the representation of the petitioner, dated 31.12.2013, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of that order. Pursuant thereto, the respondents have made out an action plan. As per the said action plan, Rs.50,000/- was paid every month from April 2014 to February 2015 and there was an agreement to pay the balance amount of Rs.1,17,388/- in March 2015. But, the fourth respondent paid only Rs.50,000/- in March 2015 and the balance amount of Rs.67,388/- was not paid to the petitioner. Moreover, as per the Circular of the Department, dated 13.04.2015, in Na.Ka.No.26799/2015 ThoVeSe 1, the respondents should have paid gratuity for 240 days. Whereas, they paid gratuity only for 150 days to the petitioner and the balance amount has not been paid. Therefore, a direction may be given to the respondents to pay the entire balance amount in one lumpsum. Since the petitioner has already approached this Court in the year 2014, he may not be in a position to approach this Court again and again.

3.Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents submitted that only due to financial crunch faced by the respondent society, they are not able to pay retiral benefits to the retirees. However, he sought time to clear all the balance amount due to the petitioner in five equal installments.

4.This Court placing on record the said request made by the learned Additional Government Pleader, directs the respondents to pay the balance amount to the petitioner within three equal installments.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.Chamundibose, Advocate Sr.No.78500

+1cc to Spl.Government Pleader Sr.No.78754

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