

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2018  
Coram

The Hon'ble Mr. Justice Satrughana Pujahari

Writ Petition No.21085 of 2018

V. Ramasami

...Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,  
O/o. The Joint Registrar of Co-operative Societies,  
District Collector's Campus,  
Nagapattinam District.
2. The Deputy Registrar of Co-operative Societies,  
Nagapattinam, Nagapattinam District.
3. The President /Special Officer,  
Z-267, Thagattur Primary,  
Co-operative Credit Society,  
Thagattur, Vedharanayam Taluk,  
Nagapattinam District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents herein to settle the retirement benefits payable to the petitioner namely Provident Fund, DCRG, Encashment of Earned Leave, Salary for 65 months and D.A. Arrears etc., within the time stipulated by this Court.

For Petitioner : Mr.K.Raja

For Respondent : Mr.L.P.Shanmugasundaram  
Special Government Pleader

## O R D E R

Heard Mr.K.Raja, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents. On consent of the learned counsel appearing for the parties, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that, he was working as Secretary of the third respondent Cooperative Society and superannuated from service on 28.02.2009. However, after his retirement, his retiral benefits, such as i) Provident Fund, ii) Death Cum Retirement Grautuity, iii) Encashment of Earned Leave, iv) Salary for 65 months and v) D.A. Arrears have not been paid to him inspite of repeated representations made in this regard. The last one of such representation is made on 15.07.2018. Even the said representation having evoked no response, he has come to this Court seeking a writ of mandamus directing the respondents to release his legitimate dues within a stipulated period.

3. The learned counsel appearing for the petitioner submits that though the petitioner has sought for the aforesaid larger relief, it would be suffice, if the respondents are directed to consider his representation within a stipulated period.

4. The learned Special Government Pleader appearing for the respondents submits that the Cooperative Society is under financial crisis, and as such, the petitioner has not been released the retiral benefits. However, he submits that the respondents would consider the petitioner's representation in accordance with law within a reasonable period.

5. Regard being had to the aforesaid facts and the submissions made, this Court is of the view that no useful purpose is going to served by keeping this Writ Petition pending seeking for reply affidavit. Hence, I am inclined to dispose of the same without seeking a reply affidavit, especially, considering the fact that the petitioner though retired in the year 2009, but, yet to be released with his retiral benefits. Accordingly, this Writ Petition stands disposed of with a direction to the third respondent to consider the representation of the petitioner dated 15.07.2018, for release of his legitimate dues, to which, he is legally entitled to, within a period of eight weeks from the date of receipt of a copy of this

order. However, if the third respondent has any financial crisis, they may also think of releasing of the same in installment to the petitioner within a reasonable period, but, it should not be construed as a mandate of this Court allowing them to release the same in installment, inasmuch as, the petitioner is entitled to the release of the retirement benefits from the date of his retirement within a reasonable period and in the meanwhile, though more than 9 years has elapsed, he has not been paid with the same. However, in the circumstance of the case, there shall be no order as to costs.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

sd

+1cc to Mr.K.Raja, Advocate Sr.56375

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate Sr.56768

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srg 14/09/2018

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