



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13140 of 2018

P.Subbiah,
Watchman,
The Madurai District Co-operative
Spinning Mills Employees Thrift and Credit Society,
(Liquidation),
No.1-E, Nondikovilpatti,
West Channel Road,
Near Pillayar Koil,
Melur, Madurai District.

... Petitioner

Vs.

- 1) The Joint-Registrar of
Co-operative Societies,
Madurai Region,
Office at Kanaga Apartment,
LDC Road, near J.C.Residency,
Chinna Chokkikulam, Madurai.
- 2) The Deputy Registrar
of Cooperative Societies,
Madurai Circle,
Office at No.41 and 42,
Krishnarayar Theppakulam Street,
Madurai - 1
- 3) The Co-operative Sub Registrar/Liquidator,
The Madurai District Co-operative,
Spinning Mills Employees Thrift and Credit Society,
(Liquidation),
Office at No.41 and 42,
Krishnarayar Theppakulam Street,
Madurai -1

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to disburse the salary, gratuity and PF based on the representation of the petitioner dated 24.05.2018.



For Petitioner : Mr.J.Anandkumar
For Respondents : Mr.M.Murugan,
Government Advocate.

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ORDER

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the 3rd respondent to disburse the salary, gratuity and Provident Fund based on the representation of the petitioner dated 24.05.2018.

2. Heard Mr.J.Anandkumar, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3. It is submitted by the learned counsel appearing for the petitioner that, the petitioner was an erstwhile employee of the third respondent/ Madurai District Co-operative Spinning Mills Employees Thrift and Credit Society and the said Society is under liquidation. However, the service benefits, especially, Gratuity and Provident Fund have not been disbursed to the petitioner and to the similarly placed employees.

4. In spite of the specific amount having been sanctioned to the third respondent Society to disburse the amount of statutory dues payable to the employees, the third respondent Management has not so far disbursed the same and therefore, the petitioner has moved this Writ Petition with the aforesaid prayer.

5. Mr.J.Anandkumar, learned counsel appearing for the petitioner would also submit that, when similarly placed employees approached this Court by way of filing W.P.(MD) Nos.5904 and 5905 of 2016, this Court, by order dated 10.01.2018 has passed the following orders:

"2. The grievance of the writ petitioners is that even the gratuity and provident fund amounts payable to them have not been disbursed. A specific averment has been made in the affidavit filed in support of these writ petitions that a sum of Rs.30,00,000/- was sanctioned and transferred to the account of the society to settle such dues. The third respondent Society is not justified in withholding the such amounts payable to the writ petitioners.

3. The third respondent is therefore directed to disburse the gratuity and provident fund amounts due and payable to the writ petitioners forthwith and without any delay. As regards the other sums payable to them, the third respondent shall take steps to disburse



either fully or on pro-rata basis to the writ
petitioners.

4. These writ petitions are allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed."

In view of the said order, similar relief can also been given to the petitioner, as similarly placed persons have already been granted, he submitted.

6. Mr.M.Murugan, learned Government Advocate appearing for the respondents would submit that, similar relief can be given to the petitioner and his request could be considered and amount of Gratuity and Provident Fund, which is eligible to the petitioner, would be disbursed.

7. Considering the said submissions and taking into account the circumstances of the case and also by the earlier order passed by this Court, this Court is inclined to pass the following orders:

"that the respondents, especially, the third respondent shall disburse the Gratuity and Provident Fund amount due payable to the petitioner immediately, at any rate, within a period of eight weeks from the date of receipt of a copy of this order. With regard to the other benefits, the third respondent shall endeavour to take steps to disburse the amount at an earliest point of time on pro-rata basis."

8. With these directions, this Writ petition is disposed of. However, there shall be no order as to costs.

sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-I)

To

- 1) The Joint-Registrar of
Co-operative Societies,
Madurai Region,
Office at Kanaga Apartment,
LDC Road, near J.C.Residency,
Chettikulam, Madurai.



2) The Deputy Registrar
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The Madurai District Co-operative,
Spinning Mills Employees Thrift and Credit Society,
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Office at No.41 and 42,
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Madurai -1

+ 1 CC TO Mr.J.ANANDKUMAR, ADVOCATE IN SR No. 69019
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69111

STS

TE/SKN/SAR-1 : 24/10/2018 : 4P/6C

Order made in
W.P. (MD) No.13140 of 2018
20.06.2018