



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.01.2018

CORAM :

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.5904 & 5905 of 2016

and

WMP(MD)Nos.5236, 5237, 17123 and 17124 of 2016

and

WMP(MD)No.18433 of 2017

P.Kundan	... Petitioner in WP(MD)No.5904 of 2016
L.Muthuramalingam	... Petitioner in WP(MD)No.5905 of 2016

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 in both
writ petitions.

Common Prayer : Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders of the third respondent dated 09.02.2016 in Na.Ka.No.4948/07/Sa Pa and quash the same and consequently direct the respondents to disburse the gratuity and provident fund amount and unpaid salary payable to the petitioners for the period from March 2002 to 05.04.2007.



in both petitions
For Respondents
in both petitions

: Mr.J.Anandkumar
: Mrs.S.Srimathy,
Special Government Pleader

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COMMON ORDER

The writ petitioners were working in the third respondent society. They were not paid any salary after March 2002. In April 2007, the third respondent society went into liquidation.

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.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

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.

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+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR Nos. 41728, 41729



+ 2 CC TO Mr.J.ANANDKUMAR, ADVOCATE IN SR Nos. 41815, 41816

SKM

TE/KK/SAR-4 : 05/02/2018 : 3P/6C

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WMP(MD)Nos.5236,5237,17123 and 17124/2016
and WMP(MD)No.18433 of 2017
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