



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.178 of 2011

and

M.P. (MD) No.1 of 2011

K.Subburathinam

: Petitioner

Vs.

1.The Revision Authority / Joint Registrar
of Coop. Societies, Karur Region,
55, Additional Building,
Collectorate, Thanthonimalai,
Karur - 639 007.

2.No.YK. 124, Karur Primary Cooperative Agricultural &
Rural Development Bank Ltd.,
Rep. by its Special Officer,
No.48/A/5C, Opp. Panchayat Union Office,
Thanthonimalai,
Karur - 639 005.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned Revision Order passed by the first respondent authority made in R.A.No.7/2010 Sa.Pa. dated 23.08.2010, confirming the orders passed by the second respondent by his proceedings dated 30.11.2009 and quash the same and consequently direct the respondents to pay interest for the belated payment of terminal benefits as claimed in the revision application dated 03.03.2010.

For Petitioner : Mr.P.Subbaraj

For Respondent No.1 : Mr.M.Pandiarajan

For Respondent No.2 : Mr.S.C.Herold Singh

**O R D E R**

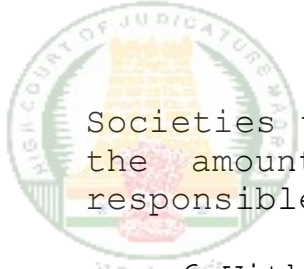
The petitioner has filed the present writ petition for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned Revision Order passed by the first respondent authority made in R.A.No.7/2010 Sa.Pa. dated 23.08.2010, confirming the orders passed by the second respondent by his proceedings dated 30.11.2009 and to quash the same and consequently to direct the respondents to pay interest for the belated payment of terminal benefits as claimed in the revision application dated 03.03.2010.

2.The matter is pending from the year 2011, but, no counter affidavit has been filed.

3.The cursory glance at the order rejecting the request for payment of interest reveals that on account of financial difficulties and for getting opinion from the Standing Counsel, the terminal benefits have been withheld and subsequently paid belatedly. The said order also states that there is no provision for grant of interest in the by-laws and Rules / Regulations of the Society. The Society is governed by Payment of Gratuity Act and that Gratuity has got to be paid together with interest, if there is any belated payment. Though it has been contended by the learned Counsel for the respondents that there was a criminal case against the petitioner, the petitioner was acquitted on 09.02.2010 and in the present petition, the petitioner has sought for payment of interest for the belated payment of Gratuity and retirement benefits. The petitioner retired from service on 30.04.2008, but, the Gratuity and other terminal benefits were paid only on 09.03.2009 and 03.11.2009, respectively.

4.Even before the petitioner was acquitted by the Court on 09.02.2010, the terminal benefits have been paid. The amount due to the employees, more particularly, the employees' contribution ought to have been paid immediately after the date of retirement. Unless there is a specific order passed by the respondent depriving the gratuity on the ground of moral turpitude or retention of employees contribution, the petitioner would be entitled to interest.

5.Hence, the respondents are directed to pay interest at 10% p.a. on the Gratuity amount payable, from 30.04.2008 till the gratuity amount was disbursed i.e., on 09.03.2009. Similarly, the petitioner would be entitled to interest at 12% p.a. from the date of retirement on 30.04.2008, till the Provident Fund amount was paid. The interest amount for the aforesaid period shall be calculated and paid within one [1] month from the date of receipt of a copy of this order. If the amount is not paid within the time stipulated, it is open to the Registrar of Cooperative



Societies to pay the interest amount to the petitioner and recover the amount from the personal funds of the official who is responsible for disbursing the rate of interest.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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Sub Assistant Registrar (CS-III)

To

1. The Revision Authority / Joint Registrar
of Coop. Societies, Karur Region,
55, Additional Building,
Collectorate, Thanthonimalai,
Karur - 639 007.

2. No. YK. 124, Karur Primary Cooperative Agricultural &
Rural Development Bank Ltd.,
Rep. by its Special Officer,
No. 48/A/5C, Opp. Panchayat Union Office,
Thanthonimalai,
Karur - 639 005.

3. The Registrar of Co.op Societies,
Chennai-10.

+ 1 CC TO MR. S. C. HEROLD SINGH, ADVOCATE IN SR NO. 78693
+ 1 CC TO MR. P. SUBBARAJ, ADVOCATE IN SR NO. 78681

MR

BU/PM/SAR-III : 25.10.2018 : 3P/6C

W.P (MD) No. 178 of 2011
14.08.2018