

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.5456 of 2008 & 11676 of 2009

1.S.Arokiasamy
2.V.Vasudevan
3.D.Vimala
4.S.Marimuthu
5.S.Balasubramanian
6.SM.Ramukannu
7.M.Selvam
8.P.Mani
9.M.Arumugham
10.D.Lilli Gracie
11.N.Veerayan
12.R.Duraiaraj
13.S.Senguttuvan
14.V.Somasundaram
15.SP.Murugesan

.. Petitioners in W.P. No.5456 of 2008

1.C.Vaithinathan
2.A.Sundaram
3.A.Adaikkalasamy

.. Petitioners in W.P. No.11676 of 2009

-vs-

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai-10.

2.The Joint Registrar of Co-operative Societies,
Pudukottai Region,
Pudukottai-622 801.

3.The Special Officer,
Keeranur Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
Keeranur, Pudukkottai District.

4.The Special Officer,
Pudukottai Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
Pudukottai District.

5.The Special Officer,
Ponnamaravathy Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
Pudukottai District.

6.The Special Officer,
Avudaiyarkoil Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
Pudukottai District.

7.The Special Officer,
Karambakudi Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
Pudukkottai District.

8.The Special Officer,
Viralimlai Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
Pudukkottai District.

9. The Special Officer,
Thirumayam Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
Pudukkottai District.

.. Respondents in W.P. No.5456 of 2008

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai 600 010.

2.The Regional Joint Registrar of
Co-operative Societies,
Pudukkottai Region,
Pudukkottai 622 001.

3. The Special Officer,
Thirumayam Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
Thirumayam 622 507,
Pudukkottai District.

4.The Special Officer,
Ponnamaravathi Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
Ponnamaravathi 622 407.

.. Respondents in W.P. No.11676 of 2009

Petitions filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to settle the retirement benefits payable to the

petitioners as per the 12(3) Settlement dated 10.02.1999 and by releasing the withheld amount from Employees Provident Fund, gratuity and leave salary with interest at 12% p.a. from the date of retirement.

For Petitioners in
both cases :: Mr.R.N.Amarnath

For Respondents :: Mr.L.P.Shanmugha Sundaram,
Special Government Pleader
for R1, 2, 6 & 7 in
W.P. No.5456 of 2008
for R1 & R2 in
W.P. No.11676 of 2009
Mr.G.Sankaran,
for R3 to 5, 8 and 9 in
W.P. No.5456 of 2008
for R3 and R4 in
W.P. No.11676 of 2009

COMMON ORDER

The writ petitions have been filed seeking a direction to the respondents to settle the retirement benefits payable to them as per 12(3) Settlement dated 10.02.1999 by releasing the withheld amount from Employees Provident Fund, gratuity and leave salary with interest at 12% p.a. from the date of retirement.

2.Learned Special Government Pleader placing a letter dated 06.06.2013 submitted that the prayer made by the petitioners for payment as per 12(3) Settlement is wholly mis-concieved since 12 (3) Settlement, fixing salary to the employees, was found to be unacceptable in the light of the order dated 27.01.2010 in M.P. No. 1 of 2009 in W.P. No.5456 of 2008 holding that no employee is entitled to get salary based on 12(3) Settlement. Particularly, whatever the retiral benefits, the petitioners were entitled to, had been settled even in the year 2010 itself namely, on 16.08.2010.

3.Therefore, this Court, taking note of the fact that the petitioners were paid their retiral benefits on various dates and also the fact that the order passed by this Court on 27.01.2010 in W.P. No.5456 of 2008 holding that no employee is entitled to get higher salary based on 12(3) Settlement, is not inclined to entertain this writ petition. Since the petitioners' retiral benefits have been settled on the basis of G.O. Ms.186 dated 16.08.2000 and the same could be seen from the communication dated 16.08.2010 bearing Na.Ka.No.2864/ 2008 which

is also placed on record, nothing further survives for adjudication. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai-10.

2.The Joint Registrar of Co-operative Societies,
Pudukottai Region,
Pudukottai-622 801.

3.The Regional Joint Registrar of
Co-operative Societies,Pudukkottai Region,
Pudukkottai 622 001.

+2 cc's to Mr.R.N.Amarnath, Advocate, Sr.No. 36102

+2 cc to Mr.g.Sankaran, Advocate Sr.No.36101

+1 cc to The Special Government Pleader, Sr.No.36264

+1 cc to Mr.L.P.Shanmugasundaram, Advocate Sr.No.36963

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AK(CO)
CSL/01.06.2019

सत्यमेव जयते

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