

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3622 of 2019

M.Vijayan

..Petitioner

vs

1.The Joint Registrar of Cooperative Societies
Collectorate, Tiruvallur - 602 001,
Tiruvallur District.

2.The Deputy Registrar of Cooperative Societies
Tiruthani Circle, K.C.Chetty Street,
Tiruthani - 631 209
Tiruvallur District.

3.The President
J.J.608, Pethakalakattur Primary
Agricultural Cooperative Credit Society
Pethakalakattur Village & Post - 631 210
Tiruthani, Tiruvallur District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to disburse the petitioner's retirement benefits like part amount of the provident fund, gratuity, Earned leave encashment and unearned leave Benefits on private affairs and LIC maturity fund together with 12% interest from date of the petitioner's superannuation i.e., on 31-8-2017 till date of disbursement of the above said benefits by implementing the order passed by the 1st respondent in his proceedings Na.Ka.3605/2017/A3 dated 30-5-2018 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.Venkatachalam
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 3rd respondent to disburse the petitioner's retirement benefits like part amount of the provident fund, gratuity, Earned leave encashment and unearned leave Benefits on private affairs and LIC maturity fund together with 12% interest from date of the petitioner's superannuation i.e., on 31-8-2017 till date of disbursement of the above said benefits by implementing the order passed by the 1st respondent in his proceedings Na.Ka.3605/2017/A3 dated 30-5-2018 to the petitioner.

2.The grievances of the writ petitioner is that inspite of the directions issued by the 1st respondent / the Joint Registrar of Cooperative Societies to settle the terminal and pensionary benefits due to the writ petitioner, the 3rd respondent/President, is denying the disbursement of the said benefit to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

3.This Court is of an opinion that if at all, the 3rd respondent is aggrieved from and out of the order passed by the 1st respondent under Section 153 of the Tamil Nadu Cooperative Societies Act, it is left open to them to prefer an appeal against the order. However, they cannot keep silence in respect of the order passed by the competent authority under the provisions of the Act. In the event of non-implementation of the order passed by the Joint Registrar under Section 153 of the Act, appropriate actions are to be initiated against the Board under the provisions of the Act, more specifically, for superstition.

4.In this regard, the writ petitioner is already entitled to submit a complaint to the Joint Director in respect of the non-implementation of the order passed by him under Section 153 of the Act on 30.05.2018. Thus, the writ petitioner is at liberty to submit a complaint / appeal to the 1st respondent in respect of the non-implementation of the order passed by the Joint Registrar. In the event of submitting any such complaint / appeal, suitable actions are to be initiated against the 3rd respondent for implementation of the order by following the procedures as contemplated under the Act and the Rules.

5.With these directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Joint Registrar of Cooperative Societies
Collectorate, Tiruvallur - 602 001,
Tiruvallur District.

2.The Deputy Registrar of Cooperative Societies
Tiruthani Circle, K.C.Chetty Street,
Tiruthani - 631 209
Tiruvallur District.

+1cc to Mr.C.Prakasam, Advocate SR.No.11477

+1cc to Government Pleader SR.No.12884

W.P.No.3622 of 2019

RSI (CO)
GMY (28/02/2019)