



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.7078 of 2015

G.Moorthy

..Petitioner

.. Vs ..

1.The Joint Registrar of
Cooperative Societies
Villupuram Region, Villupuram
Villupuram District.

2.The President
Thollamur Primary Agricultural
Co-op Credit Society
Thollamur, Eraiyur Post
Vanur Taluk
Villupuram district

.. Respondents

Prayer:- This Writ Petition filed, under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.3825/2013/Sa.Pa., dated 27.06.2014 and quash the same, consequently directing the respondents to disburse the balance retirement benefits to the tune of Rs.7.33 lakhs together with interest to the petitioner.

For Petitioner :Mrs.Hemalatha for Mr.C.Prakasam

For Respondents :Mr.L.P.Shanmuga Sundaram, Spl.G.P

ORDER

The prayer in the writ petition is to issue a writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.3825/2013/Sa.Pa., dated 27.06.2014 and quash the same, and consequently to direct the respondents to disburse the balance retirement benefits to the tune of Rs.7.33 lakhs together with interest to the petitioner.



2. It is seen that the petitioner has filed Review Petition before the 1st respondent seeking retiral benefits, wherein, the 2nd respondent-society has calculated the retirement benefits at Rs.5,94,068.68 and approving the said amount, the revision was dismissed. Aggrieved over the said rejection order passed by the 1st respondent, the present Writ Petition is filed.

3. Learned Special Government Pleader appearing for respondents would fairly submit before this court that by letter dated 04.10.2019, the 2nd respondent has addressed a letter to him stating that they agree to settle Rs.6,31,062.68 in respect of the retirement benefits to the petitioner and the same shall be paid by way of 35 equal monthly installments at Rs.18,030/- of each installment.

4. The learned counsel for the petitioner would submit that the petitioner is agreeable for the settlement stated by the 2nd respondent to the tune of Rs.6,31,062.68, however, the monthly installment of Rs.18,030/- is not agreeable. The learned counsel further stated that the second respondent may be directed to pay the due amount of retirement benefits at Rs.20,000/- per month as each installment.

5. Mr.K.Dhanasekaran, Secretary, Thollamur Primary Agricultural Cooperative Credity society Ltd., Thollamur, is present before this court and agreed for the amount proposed by the learned counsel for the petitioner towards each installment.

6. In the light of the aforesaid terms agreed by the parties herein, the following order is passed:-

(i) The 2nd respondent is directed to pay the retirement benefits due to the petitioner viz., Rs.6,31,062.68, by paying Rs.20,000/- per installment from the month of December, 2019 onwards and continue to pay the same till the entire amount is settled to the writ petitioner.

(ii) If there is any default in the payment on the part of the 2nd respondent, the writ petitioner is entitled for interest at the rate of 6% per annum, till the entire amount of due is realised from the second respondent.

The Writ Petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

1.The Joint Registrar of
Cooperative Societies
Villupuram Region, Villupuram
Villupuram District.

2.The President
Thollamur Primary Agricultural
Co-op Credit Society
Thollamur, Eraiyur Post
Vanur Taluk
Villupuram district

+1 cc to M/s.C.Prakasam,Advocate Sr.No.98104
+1 cc to Mr.L.P.Shanmugasundaram, Advocate Sr.No.98526
+1 cc to The Special Government Pleader Sr.No.97997

AKM/17.12.19/3P-6C /

WP.7078 of 2015