

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 15387 of 2019

&

W.M.P.Nos.15347 & 15349 of 2019

J.Thulasingham

..Petitioner

vs

1.The Joint Registrar of Coop. Societies/Revisional Authority,
Villupuram Region, Villupuram,
Villupuram District.

2.The President,
E.2028, Kandamanadi Primary Agricultural
Cooperative Credit Society,
Kandamanadi - 605 401,
Villupuram Taluk,
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying 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.1204/2018/Sa.Pa, dated 30.07.2018 and quash the same and consequently directing the respondents to disburse the petitioner retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on Private Affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operative Societies)

O R D E R

The prayer sought for in this Writ Petition is to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.1204/2018/Sa.Pa, dated 30.07.2018 and quash the same and consequently directing the respondents to disburse the petitioner retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on Private Affairs to the petitioner.

2. It is the case of the petitioner that he was appointed as a Salesman in the year 1988 in the 2nd respondent Society and he relieved from service on 29.04.2017 and he was not allowed to retire from service on the date of his superannuation on 30.04.2017, on the ground that disciplinary proceedings were pending against him. However, the respondents had not disbursed his terminal benefits. Thereafter, the petitioner filed Statutory Revision Petition under Section 153 of the Tamil Nadu Co-operative Societies Act before the 1st respondent for disbursement of terminal benefits. However, the 1st respondent by order dated 28.12.2017, rejected the revision petition on the ground that the revision is barred by limitation and the same has not been filed within 90 days.

3. Challenging the said rejection, the petitioner approached this Court by way of the Writ Petition in W.P.No.1309 of 2018. This Court by order dated 23.01.2018, set aside the impugned order dated 28.12.2017 and directed the Revision Authority to receive and take up the Revision Petition filed by the petitioner and pass appropriate orders on merits and in accordance with law. Thereafter, the petitioner's Revision Petition was taken on file and again rejected on the ground that Criminal Case is pending against the petitioner. As against the said order, the present Writ Petition has been filed.

4. The learned counsel for the petitioner would submit that though the petitioner was not allowed to retire from service, however, he is entitled to receive the eligible amount. Accordingly, the petitioner was paid with the eligible amount of Rs.2,90,336/-.

5. Heard the learned counsel and perused the records.

6. Considering the facts and circumstances of the case that the petitioner has received the eligible amount as on date, the relief sought for by the petitioner in this Writ Petition cannot be granted. However, the petitioner is at liberty to work out his remedies in the manner known to law, after conclusion of the disciplinary proceedings.

7. With the above direction the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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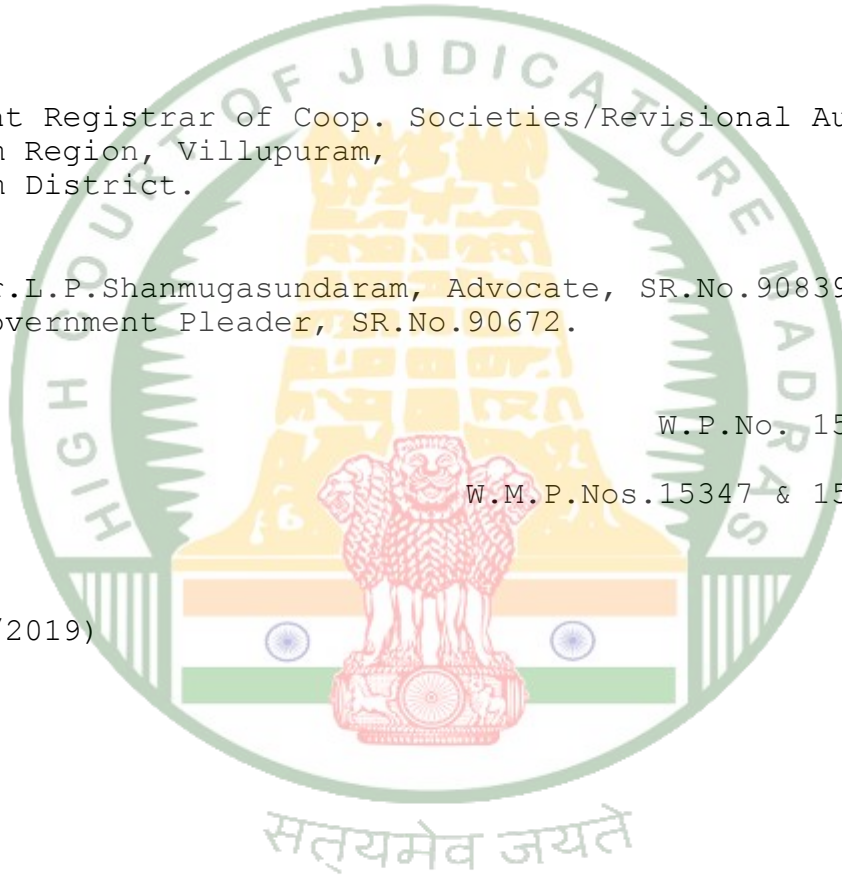
To

1.The Joint Registrar of Coop. Societies/Revisional Authority,
Villupuram Region, Villupuram,
Villupuram District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, SR.No.90839.
+1cc to Government Pleader, SR.No.90672.

W.P.No. 15387 of 2019
&
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VBA (CO)
CSR(20/12/2019)



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