

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16195 of 2019

M.Vijayan

.. Petitioner

vs

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

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

3.The President,
J.J.608, Pethakalakattur Primary,
Agricultural Co-operative 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 respondents to disburse the petitioner's retirement benefits like part amount of the Provident Fund, Gratuity, Earned Leave Encashment and Unearned Leave Benefits on Privte Affairs and LIC maturity fund together with 12% interest from the date of the petitioner's superannuation i.e., on 31.08.2017 till date of disbursement of the above said benefits by implementing the order passed by the 1st respondent in his proceedings Na.Ka.No.3605/2017/A3 dated 30.05.2018 to the petitioner by taking note of the order passed by this court in W.P.No.3622 of 2019 dated 07.02.2019 within stipulated time as fixed by this Court.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.Venkatachalam
Addl.Govt.Advocate

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to disburse the petitioner's retirement benefits like part amount of the Provident Fund, Gratuity, Earned Leave Encasement and Unearned Leave Benefits on Private Affairs and LIC maturity fund together with 12% interest from the date of the petitioner's superannuation i.e., on 31.08.2017 till date of disbursement of the above said benefits by implementing the order passed by the 1st respondent in his proceedings Na.Ka.No.3605/2017/A3 dated 30.05.2018 to the petitioner by taking note of the order passed by this court in W.P.No.3622 of 2019 dated 07.02.2019 .

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner was appointed as Salesman cum Attender and he retired from service on 31.08.2017 on attaining the age of superannuation. The third respondent imposed a condition that the petitioner was not eligible for retirement benefits. In this connection, the petitioner approached the 1st respondent and preferred Statutory Revision under Section 153 of the Tamil Nadu Co-operative Societies Act. After enquiry the 1st respondent passed an order dated 30.05.2018 directing the third respondent to disburse the petitioner's retirement benefits within a period of four weeks. Thereafter, the petitioner filed W.P.No.3622 of 2019 and passed an order dated 07.02.2019 which reads as follows:

"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".

4. After receipt of the order passed by this court, the petitioner approached the 1st respondent and submitted a complaint on 15.03.2019 and made request to direct the 3rd respondent to implement the 1st respondent, failing which, to

take action against the 3rd respondent as per the order passed by this Court in W.P.No.3622 of 2019 dated 07.02.2019, but no order has been passed. Hence, the petitioner has filed the present writ petition.

5. Learned counsel appearing for the petitioner would submit that though the petitioner was relieved from his service in the year 2017, till date, the third respondent did not disburse the retirement benefits and hence, shall pass appropriate orders within a reasonable time.

6. The learned Additional Government Pleader appearing for the respondents would submit that the third respondent has paid a sum of Rs.3,06,213/- to the petitioner by way of cheque No.004451 dated 31.08.2018. The balance amount will be paid to the petitioner in three equal installments.

7. Recording the submissions made by the learned Additional Government Pleader, the third respondent shall pay the balance amount of retirement benefits to the petitioner in three equal installments within a period of six months from the date of receipt of a copy of this order.

8. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

kkd

To

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

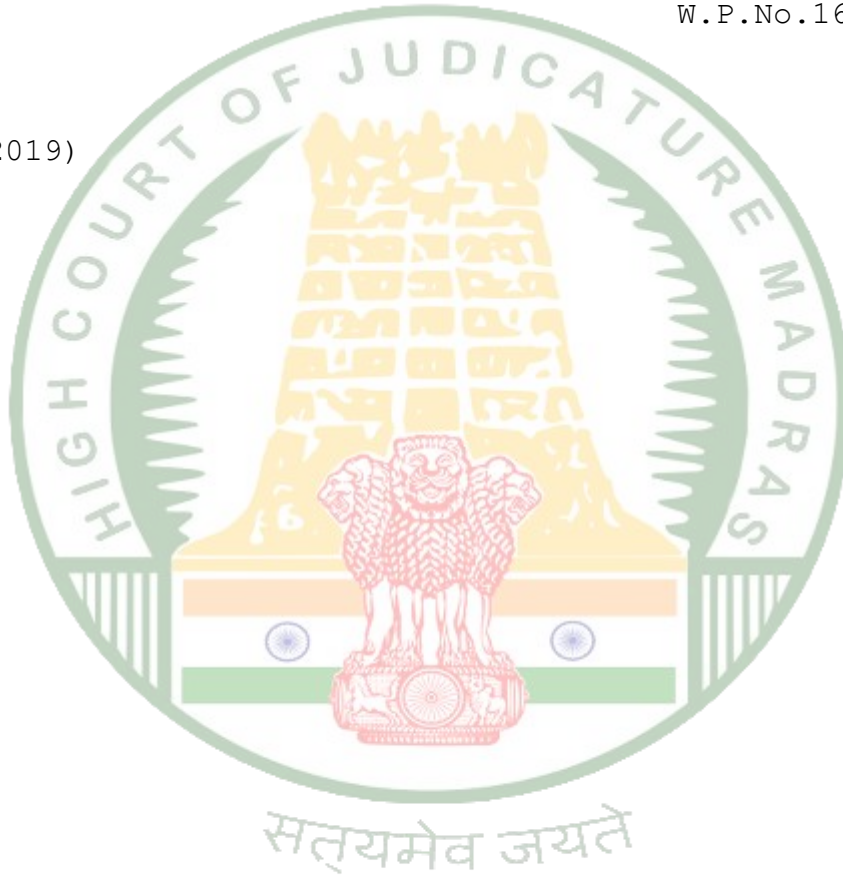
2.The Deputy Registrar of
Co-operative Societies,
Tiruthani Circle,
K.C.Chetty Street,
Tiruthani 631 209,
Tiruvallur District.

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

+1cc to Mr.R.Balaramesh, Advocate, S.R.No. 85639
+1cc to Mr.C.Prakasam, Advocate, S.R.No. 84796
+1cc to the Government Pleader, S.R.No. 85097

W.P.No.16195 of 2019

VG II(CO)
GN(21/11/2019)



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