

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16436 of 2019

and

WMP.No.16097 of 2019

M. Angannan

...Petitioner

vs

1. The Deputy Registrar of Cooperative Societies,
Erode Circle, Erode, Erode District.

2. The President,
Chithode Primary Agricultural
Cooperative Credit Society Ltd,
Chithode - 638 102,
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent in his proceedings No. Nil, dated 29.03.2019 and quash the same and consequently directing the respondents to disburse the petitioner's 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. Shanmugasundarm, Spl.G.P.

O R D E R

The petitioner filed this Writ Petition seeking to call for the entire records relating to the impugned order passed by the second respondent in his proceedings No. Nil, dated 29.03.2019 and quash the same and consequently directing the respondents to disburse the petitioner's 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. The case of the petitioner is that the petitioner was appointed as Packer in the second respondent society in the year 2001. The date of birth of the petitioner is 02.10.1958. The petitioner worked in the respondent society till 31.03.2018 and he was relieved from service on the attaining the age of 60. After retirement the first respondent inspected the service register of the employees of the second respondent society and found that the petitioner should allow to retire from service on completion of 58 years. In this connection, first respondent instructed the second respondent to pass recovery orders by stating that the salary being paid from 01.11.2016 to 31.03.2018 to the tune of Rs.1,73,125/- from the petitioner. Thereafter the second respondent passed orders on 29.03.2019 whereby instructed the petitioner that he should return back Rs.1,73,125/- to the society. Against the said order, the present Writ Petition is filed.

3. The learned counsel for the petitioner would submit that the respondent allowed the petitioner to work for the period from 01.11.2016 to 31.03.2018 and the petitioner was also paid salary and the same cannot be recovered by passing an order of recovery without any notice.

4. Considering the facts and circumstances of the case, the petitioner was appointed as Packer in the second respondent society in the year 2001 and allowed to continue till 60 and the salary was also paid for the period 01.11.2016 to 31.03.2018 to the tune of Rs.173,125/- in favour of the petitioner after extracting work from the petitioner. Hence I am inclined to interfere with the order passed by the second respondent and further on perusal of the impugned order, it reveals that no notice was issued prior to the passing of the recovery order and it appears that till date retirement benefits were also not paid to the petitioner, hence the respondents are directed to settled the retirement benefits within a period of eight (8) weeks from the date of receipt of a copy of this order. The Writ Petition is allowed with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Registrar of Cooperative Societies,
Erode Circle, Erode, Erode District.
2. The President,
Chithode Primary Agricultural
Cooperative Credit Society Ltd,
Chithode - 638 102,
Erode District.

+lcc to Mr.C.Prakasam, Advocate Sr.84792

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srg 13/12/2019