

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19991 of 2019

C.Chenchurathnam

...Petitioner

vs.

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

2.The President,
J.J.182, Perandur Primary Agricultural
Cooperative Credit Society,
Perandur Village & Post - 602 026,
Uthukottai Taluk,
Tiruvallur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Mandamus, directing the 2nd respondent to disburse the interest at the rate of 18% for belated payment of retirement benefits comes around Rs.4,27,000/- to the petitioner by disposing the written representation made by the petitioner on 09.05.2019.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.D.Venkatachalam

Additional Government Pleader

ORDER

The Writ Petition has been filed by the petitioner seeking direction to direct the second respondent to disburse the interest at the rate of 18% for belated payment of retirement benefits comes around Rs.4,27,000/- to the petitioner by disposing the written representation made by the petitioner on 09.05.2019.

2.The case of the petitioner is that the petitioner was working in the second respondent society as Secretary and the petitioner was allowed to retire from the service on 31.07.2014. Even after the retirement, the retirement benefits were not disbursed, subsequently, the petitioner after prolonged litigation was received Rs.15,22,315/- was paid in the year 2018 and the remaining balance Rs.1,93,295/-

going to receive within two months.

3.The learned counsel appearing for the petitioner would submit that though the petitioner was retired in the year 2014. However, the petitioner's retirement benefits were settled by way of installments. Hence, the petitioner is entitled for interest at the rate of 18% and he prayed for appropriate orders.

4.The learned Additional Government pleader appearing for the respondents would submit that based on the direction of the first respondent on 15.02.2018, the petitioner was paid Rs.15,22,315/- and the remaining balance Rs.1,93,295/- was not paid relevant point of time due to the financial burden of the Society. Even today, Society is facing financial burdens and the Society was not able to pay the interest and several employees of the Society are waiting to receive the terminal benefits.

5.Considering the facts and circumstances of the case, the petitioner was retired in the year 2014. Due to financial crisis of the Society, the petitioner was not paid retirement benefits in time. The petitioner not established before this Court that there is any contractual obligation or any by law to pay the interest for the belated payment for the retirement benefits at the rate of 18%.

6.In view of the above, this Court cannot issue direction to direct the respondent to pay the interest at the rate of 18% for the belated payment.

7.With the above observation and direction, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//
Sub Assistant Registrar

pam
To

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

+1cc to the Government Pleader SR.85099

W.P.No.19991 of 2019

RK(CO)
CB(21/11/2019)