

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.30744, 30748 and and 30749 of 2019

1. C. Ramalingam

...petitioner in W.P.No.30744 of 2019

2. R. Ramasamy

...petitioner in W.P.No.30748 of 2019

3. N. Chinnappan

...petitioner in W.P.No.30749 of 2019

Vs

1. The Registrar of Co-operative Societies
No.170,NVN Maligai,
Kilpauk, chennai 10.

2. The Joint Registrar of Co-operative Societies
Namakkal Region
Namakkal

3. The Deputy Registrar of Co-operative Societies
Triruchengode Circle
Thiruchengode
Namakkal District.

4. The President
S. 1394, Kurumbalamahadevi Primary
Agricultural Co-operative Credit Society Ltd
Kurumbalamahadevi & Post
P. Velur Taluk
Namakkal District.

सत्यमेव जयते ...respondents in all WPs.

Prayer in all WPs.

Writ Petitions are filed under Art.226 of the Constitution of India praying to issue a writ of Mandamus or any other appropriate writ, order or direction in the nature of a writ directing the respondents to settle and disburse all the retirement benefits viz Provident fund, Gratuity, Earned leave Salary and Security Deposit and other monetary benefits with interest at 12 % interest p.a. from the date of retirement till the date of actual payment.

For petitioner in all WPs. ... Mr. S. Kamadevan

For respondents in all WPs. ... Mr.D. Venkatachalam, AGP

COMMON ORDER

With the consent of both the parties, the Writ Petitions are taken up for final disposal at the stage of admission itself.

2. The petitioners have filed the Writ Petitions seeking to direct the respondents to settle and disburse all the retirement benefits viz Provident fund, Gratuity, Earned leave Salary and Security Deposit and other monetary benefits with interest at 12 % interest p.a. from the date of retirement till the date of actual payment.

3. The case of the petitioners is that they initially joined the 4th Respondent society as clerk/attenders. They retired during the year 2010/2011. Thereafter, terminal benefits were not settled and therefore, the petitioners made a representation on 28.08.2019 to the first respondent, to settle the retirement benefits, but till date no orders have been passed. Hence, the present Writ Petitions.

4. The learned counsel for the petitioners submitted that it would suffice if a direction is issued to the first respondent to consider the representation dated 28.08.2019 submitted by the petitioners and pass orders on merits and in accordance with law.

5. Mr.D.Venkatachalam, learned Additional Government Pleader appearing for the respondents would submit that as early as in the year 2004 surcharge proceedings were initiated against the petitioners and a sum of Rs. 9,72,365/- was due from the Petitioner in W.P.No.30744 of 2019; Rs.8,20,697/- from the Petitioner in W.P.No.30748/2019 and Rs.7,74,639/- from the Petitioner in W.P.No.30749 of 2019, and the same is to be recovered from them. The learned Additional Government Pleader submitted that the Petitioners would become entitled to terminal benefits only after settling the dues, and accordingly prayed for dismissal of the Writ Petitions.

6. Admittedly, the petitioners though retired from service during 2010 and 2011 as Co-operative society employees, their terminal benefits were not settled on the ground that surcharge proceedings were initiated against them and the same is pending for the reason that the amount due by the petitioners is not settled. Due to the pendency of the surcharge proceedings, as the petitioners could not get their retirement benefits, liberty is granted to the respondents to recover the surcharge amount in the manner know to law and thereafter, settle the eligible terminal benefits in favour of the petitioners. The entire process shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

With the above observation Writ Petitions are disposed of.
No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

MRN
To

1. The Registrar of Co-operative Societies
No.170,NVN Maligai,
Kilpauk, chennai 10.

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Namakkal

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Kurumbalamahadevi & Post
P. Velur Taluk
Namakkal District.

+1cc to Mr.P.Venkatachalam , Advocate SR.No. 91587

+3ccs to Mr.S.Kamadevan , Advocate SR.No. 90506

+1 cc to Government Pleader Sr.No. 91116

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A.SK(04/03/2020)

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