

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.10.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33292 of 2017

S.Arunachalam

...Petitioner

..Vs..

1.The Management of Elavadi Primary
Co-operative Bank,
Rep by its President,
Moongilpadi Post,
Chinna Salem Via,
Kallakurichi,
Villupuram District.

2.The Deputy Commissioner,
Commissioner of Provident Fund,
Vellore - 01.

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the first respondent to disburse the PF and Gratuity in a sum of Rs.2,41,512/- with interest at 10% p.a., to the petitioner as per the order dated 18.12.2015 passed by the second respondent in PG.No.05/2013 within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Nagasundaram

For Respondent : Mr.L.P.Shanmugasundaram
Spl.G.P.(for R.1)
Mr.J.Ramesh, AGP (for R.2)

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ORDER

Pursuant to the order of this Court issuing bailable warrant to Mr.M.Ramaswamy, S/o.Muthusamy, President of Elavadi Primary Co-operative Bank, Moongilpadi Post, Chinna Salem is produced by the Sub-Inspector of Police, Mr.P.Ayyasamy, Chinna Salem.

2.The President of first respondent/Bank, Mr.M.Ramasamy has filed an affidavit stating that he assumed Office on 15.08.2018 and the Society Secretary Mr.R.Subramani suddenly fell ill and suffered with paralytic attack and he was bed return and not yet returned to work. Thus, the President was not aware of the legal proceedings and he has further offered an apology through an affidavit dated 03.10.2019.

3.The learned counsel appearing on behalf of the first respondent made a submission that a Villupuram District Central Co-operative Bank Limited Cheque, dated 01.10.2019 for Rs.2,41,512/- is given to the petitioner through his counsel. Mr.R.Nagasundaram, learned counsel appearing on behalf of the petitioner has received the Cheque on behalf of the petitioner and issued a receipt in this regard. As far as the interest ordered by the second respondent is concerned, the learned counsel appearing for the first respondent made an undertaking that the interest will be calculated as per the award of the second respondent and the same will be settled within a period of four weeks from the date of receipt of copy of this Order.

4.In view of the fact that, amount due to the petitioner had already been settled and further an undertaking is given that interest portion will be settled within a period of four weeks, the first respondent/Management is directed to calculate the interest as per the award and settle the same within a period of four weeks from the date of receipt of copy of this order.

5.Accordingly, the writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mrm

To

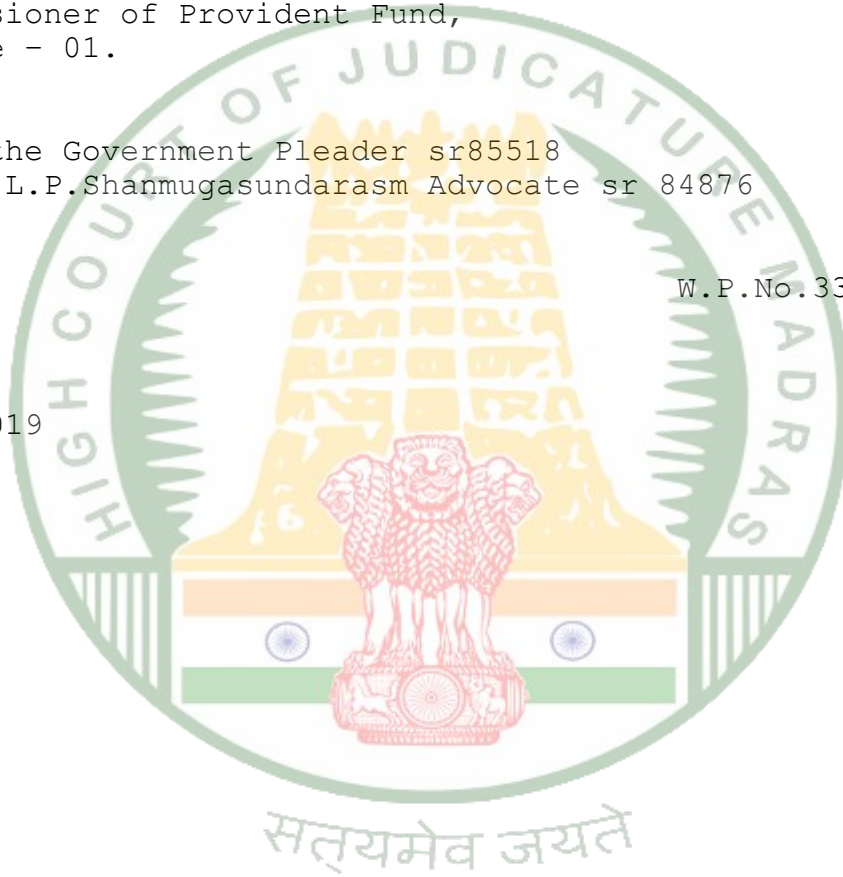
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+1 cc to the Government Pleader sr85518
+1 cc M/s.L.P.Shanmugasundarasm Advocate sr 84876

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aa19/11/2019



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