

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33847 of 2018

G.Manivasagam

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Petitioner

Vs

- 1 The Joint Registrar of Cooperative Societies
3, Beach Road Cuddalore District Saravanabava
Consumer Co-Operative Wholesale Stores Limited
Complex Cuddalore New Town
- 2 E-1487 Cuddalore District
Saravana Bava Consumer Co-Opearative
Wholesale Stores Ltd. Rep by its Managing
Director Cuddalore-1.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the Respondents to disburse the entire retirement benefits like Gratuity amount of Rs.4,17,000/- and Encashment of Earned Leave pay of Rs.1,54,671/- total amount of 5,71,671/- to me at the rate of 18 percent per annum as per my Representation dated 26.04.2018 within the time that may be stipulated by this Honble Court.

For Petitioners : M/s.P.Veera Raghavan
For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op)

O R D E R

This writ petition has been filed, seeking direction to the respondents to disburse the entire retirement benefits like gratuity amount and encashment of earned leave pay due to him along with interest at the rate of 18% per annum. Claiming the

same, the petitioner has submitted a representation dated 26.04.2018, in which he has given the details of the amount payable under each head.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Cooperatives) takes notice on behalf of the respondents and submits that they are maintaining a seniority list and the retirement benefits due to the petitioner will be disbursed in the due course.

3. Learned counsel for the petitioner submits that as per Section 79 of the Tamil Nadu Cooperative Societies Act, the gratuity and provident fund earned by the employee of the cooperative society cannot be withheld at the time of retirement. Learned counsel also relies on the decision reported in 2015 (5) CTC 726 and 2015 4 LLN 154 (A.Sengodan Vs Registrar of Co-operative Societies), wherein it was held that the monetary benefit of gratuity cannot be withheld in the absence of statutory provision under the Cooperative Societies Act.

4. Under the circumstances, the respondents are directed to consider the representation of the petitioner dated 26.04.2018 in the light of the above decision cited supra and also in terms of Section 79 of the Tamil Nadu Cooperative Societies Act, and pass appropriate orders thereon, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1 The Joint Registrar of Cooperative Societies
3, Beach Road Cuddalore District Saravanabava
Consumer Co-Operative Wholesale Stores Limited
Complex Cuddalore New Town

2 E-1487 Cuddalore District
Saravana Bava Consumer Co-Operative
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+1cc to Mr.P.Veera Raghavan, Advocate, S.R.No.561

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PP(CO)
GSP(04/01/2018)