



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.6667 of 2019

K.Joshua

... Petitioner

Vs.

- 1.The Secretary to Government,
Housing and Urban Development,
Secretariat, Fort St. George,
Chennai - 600 009.
 - 2.The Registrar (Housing),
Co-operative Housing Society,
48, Ritherdon Road, Vepery, Chennai - 600 007.
 - 3.The Managing Director,
Tamil Nadu Co-operative Housing Federation Limited,
No.48, Ritherdon Road, Vepery, Chennai - 600 007.
 - 4.The Deputy Registrar (Housing),
Virudhunagar Region, No.3-DD-Road, Maninagaram,
Virudhunagar District.
 - 5.The President,
Q.796, Sivakasi Co-operative Building Society Limited,
No.103/J, Kamarajar Salai,
Railway Feeder Road, Sivakasi Taluk,
Virudhunagar District - 626 123.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to pay the terminal benefits amount payable to the petitioner including P.F., Gratuity, unavailed leave salary, salary arrears (settlement arrears for the period from 01.12.2011 to 13.01.2015) and security deposit together with 18% interest and all other attendant benefits from the date of his voluntary retirement ie., 14.01.2015 to till the date of payment within the stipulated period fixed by this Court.

For Petitioner : Mr.K.Rahul

For RR 1, 2 & 4 : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

For R - 3 : Mr.Bhagavathi,
Government Advocate.

**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to pay the terminal benefits payable to the petitioner including P.F., Gratuity etc., with interest at 18% from the date of his voluntary retirement to till the date of payment, within the stipulated time fixed by this Court.

2. Heard Mr.K.Rahul, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader, who takes notice for the respondents 1, 2 and 4 and Mr.Bhagavathi, learned Government Advocate, who takes notice for the third respondent. In view of the limited order being passed hereunder, notice to the fifth respondent is dispensed with. By consent, the Writ Petition is taken up for disposal at the admission stage itself.

3.The case of the petitioner is that he was appointed as a Clerk on 02.01.1985 in the third respondent Society and he was allowed to retire under the Voluntary Retirement Scheme on 14.01.2015. However, his terminal benefits have not been settled so far. Therefore, the petitioner sent a representation to the respondents on 22.02.2019 seeking for releasing his terminal benefits. Finding no response on the said representation, the petitioner has approached this Court by filing this writ petition.

4. The learned Additional Government Pleader appearing for the respondents 1, 2 & 4 and the learned Government Advocate appearing for the third respondent submitted that the representation of the petitioner would be considered on merits.

5. Considering the nature of the relief sought for by the petitioner, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 22.02.2019, seeking terminal benefits and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar (CS)



To

- 1.The Secretary to Government,
Housing and Urban Development,
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+1CC TO MR.A.K.THANGAVELU, Advocate Sr. No.56176
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 55931

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TR (16.04.2019) 3P 8C