



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.11518 of 2015

S.Sundarrajan

... Petitioner

vs.

1.The Joint Registrar,
Office of the Joint Registrar of
Co-operative Societies,
Thanjavur District.

2.The President,
T.1295, Venkarai Kottakaadu,
Primary Agricultural Co-operative Credit Society,
Orathanadu Taluk,
Thanjavur District 614 628. ... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to disburse entire provident fund, gratuity and arrears in salary payable to the petitioner, with interest at the rate of 12% per annum from 31.07.2012 till the full settlement of aforesaid benefits.

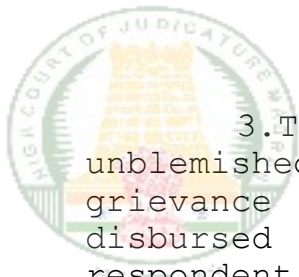
For Petitioner : Mr.K.N.Govardhanan

For Respondents : Mr.S.Angappan
Government Advocate for R-1
Mr.S.Deenadhayan for R-2

ORDER

The Writ Petition has been filed seeking a direction to the 2nd respondent to disburse the entire provident fund, gratuity and arrears in salary payable to the petitioner, with interest at the rate of 12% per annum from 31.07.2012 till the full settlement of aforesaid benefits.

2. Heard the learned Counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for the first respondent and Mr.S.Deenadhayan, learned counsel appearing for the second respondent.



3.The case of the petitioner is that after rendering unblemished service, the petitioner retired on 31.07.2012. Now, the grievance of the petitioner is that retirement benefits were not disbursed to him. Hence, he made several representations to the respondent. Since the same were not considered, the petitioner is before this Court.

4.The learned counsel for the petitioner specifically pointed out that the act of the respondent in not disbursing the retirement benefits to the petitioner is nothing but infringing the rights of the petitioner and the authority has to do his statutory duty. Hence, the learned counsel sought for appropriate direction to the respondents.

5.The learned counsel appearing for the respondents agreed to the submission made by the learned counsel for the petitioner.

6.This Court is of the considered view that Section 78 of the Tamil Nadu Co-operative Societies Act provides payment of provident fund and gratuity and the same cannot be denied by the respondent at any stretch of imagination. As such, the respondents are directed to consider the claim of the petitioner for payment of retirement benefits, pursuant to the superannuation of the petitioner, if there are no legal impediments and pass appropriate orders on merits and as per law, after affording an opportunity of hearing to the petitioner. Such exercise shall be completed within a period of 4 weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS)

vs
To

The Joint Registrar,
Office of the Joint Registrar of
Co-operative Societies,
Thanjavur District.

+1 CC to M/s.K.N.GOVARDHANAN, Advocate (SR-58450[F] dated 02/04/2019)
+1 CC to M/s.SPL GP (SR-58548[F] dated 03/04/2019)
+1 CC to Mr.S.DEENADHAYALAN, Advocate (SR-59012[F] dated 04/04/2019)