



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP(MD)No.16415 of 2015

S.Natarajan

... Petitioner

Vs.

1. The Registrar of Co-Operative Societies,
No.170, Periyar Ee.Ve.Ra. High Road,
Post Box No.1091,
Kilpaukkam,
Chennai - 600 010.
2. The Joint Registrar of Co-Operative Societies,
Madurai Region,
Lady Doak College Road,
Madurai - 625 002.
3. The District Registrar of Co-Operative Societies,
Workshop Road,
Simmakkal,
Madurai - 625 001.
4. The Co-Operative Sub Registrar/
Managing Director,
Madurai Kamarajar University,
Co-Operative Printing Press(MM 3114),
Palkalai Nagar,
Madurai - 625 021.
5. The Secretary,
Madurai Kamaraj University,
Co-Operative Printing Press(MM 3114),
Palkalai Nagar,
Madurai - 625 021.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 4th and 5th respondents to disburse in full, the monetary benefits payable due to the petitioner, arrived at Rs.2,23,760.10 (by the 4th respondent himself in writing in a reply sent for an Right to Information Act Application), with interest rate as deemed fit and proper by this Court, which may be calculable from 31.01.2010 (the date on which the petitioner retired from service), at the earliest and within the time frame stipulated by this Court, with costs of



this proceedings.

For Petitioners

: Mr.G.Thiagarajan

For Respondent
Nos.1 to 3

: Mrs.J.Padmavathy Devi
Special Government Pleader

For Respondent
Nos.4 & 5

:S.Seenivasagam

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ORDER

This writ petition has been filed seeking to direct the 4th and 5th respondents to disburse Rs.2,23,760.10, payable to the petitioner with interest, at the earliest and with costs of this proceedings.

2.The petitioner claims disbursement of monetary benefits payable to the petitioner arrived at Rs.2,23,760.10 with interest as calculated on and from 31.01.2010 and since the respondents failed to consider the same, the petitioner is before this Court.

3.Heard both side. Perused the materials placed on record.

4.Since, there is no claim against respondent Nos. 1 to 3 and 5, this writ petition is dismissed against them.

5.The 4th respondent has filed a counter affidavit, wherein at paragraph No.10, it is submitted as follows;

"10.It is submitted that, the facts above are well known to the petitioner and when the petitioner approached the 4th respondent, he was also advised to get the ½ month salary every month towards the back period, but he refused to oblige and insisted that all dues should be cleared by paying in lump sum, which was practically impossible. To prefer such a claim it seems he called for the particulars of the dues payable to him by making application, Taluk Co-Operative Employees' Co-Operative Thrift and Credit Society Ltd, on the assurance of the 4th respondent to recover and reply the dues. Even after his retirement, a due of Rs.2,60,817/- as on 31.05.2014 is payable by him to the said Society and as per law and procedure the 4th respondent is to recover the dues from the terminal benefits of the petitioner and pay the same to the said Society. The advance received by him from the 4th respondent Rs.12,541.90 is recoverable from him. The dues payable to the petitioner are i) Gratuity Rs.2,04,039/- arrears of dearness allowance Rs.4,104/-, salary due Rs.19,101/-, unpaid recoveries Rs.3,680/- + Rs.2,800/- + Rs.2,578/-, thus Rs.2,36,302/- is payable to him and Rs.2,73,358.90 is recoverable from him and after after adjusting the



dues Rs.37,056.90 is still recoverable from him as on 31.12.2014 and nothing more is payable to him. In case if the petitioner clears the dues of the Credit Society, after recovery of Rs.12,541/- the advance received by him Rs.2,23,760.10 alone is payable by the 4th respondent and the 4th respondent undertakes to clear the due by paying Rs.5,000/- per month. When the 4th respondent explained the above account/ position he was not ready to accept the offer and has come to this Hon'ble Court."

6. Such a calculation arrived at in the counter affidavit is not agreed by the learned Counsel for the petitioner and the same is refuted.

7. In such view of the matter, liberty is granted to the petitioner, to put forth his claim as well as his legal right with regard to his payments, by making a fresh representation to the 4th respondent, within a period of two weeks from the date of receipt of a copy of this order, and the 4th respondent, on receipt of such a representation, shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of two weeks thenceforth.

8. With the above direction, this writ is disposed of. No costs.

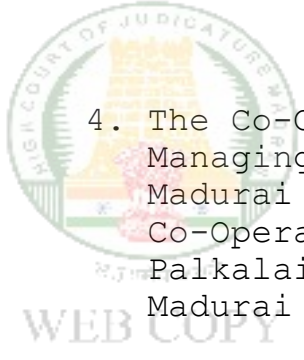
sd/
Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

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+ 1 CC TO THE SPECIAL GOVERNMENT PLEADER IN SR NO. 52458

DSK
KK(AE)/29/03/2019/4P/7C

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