



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WP (MD) No.129 of 2017

M.Kandasamy

... Petitioner

Vs.

- 1.The Registrar of Co-Operative Societies,
Kilpauk, Chennai.
- 2.The Joint Registrar of Co-Operative Societies,
Thanjavur.
- 3.The Deputy Registrar of Co-Operative Societies,
Thanjavur.
- 4.The President,
T.1741 Sakkarasamandam Primary Agricultural
Co-Operative Credit Society,
Thanjavur District,
PIN 613 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits of Rs.2,64,429/- payable to the petitioner with reasonable rate of interest within the time that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mrs.J.Padmavathy Devi,
Special Government Pleader

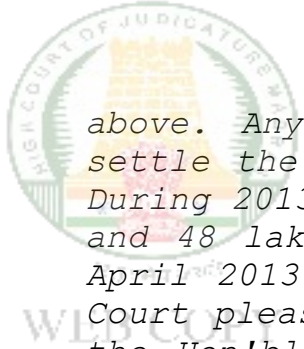
ORDER

This writ petition has been filed seeking to direct the respondents to settle the retirement benefits to the petitioner with interest.

2.The grievance of the petitioner is that he has been paid with only part of his retirement benefits and the remaining amount has not been paid to him. Hence, he sent a representation dated 28.11.2016 to the 4th respondent. However, so far the amount has not been settled in his favour. So, the petitioner is before this Court seeking appropriate directions to the respondents.

3.Upon instructions, the third respondent has filed a counter affidavit and the relevant portion whereof reads as follows:

"7.With regard to the salary due for January 2013 to April 2013, it is submitted that salary bill was not drawn for the period of 4 months to the petitioner due to dearth of funds and in adequate business to earn profit. The working condition of the said society became very worse and the society was in dormant stage. The salary of the petitioner has not been disbursed for the reasons stated



above. Any how steps have been taken to disburse the salary, to settle the dues to the petitioner and others as early as possible. During 2013-2014 the Society sustained cumulative loss of Rs.1 crore and 48 lakh upto 31.03.2014. Arrear of salary for January 2013 to April 2013 would be settled to the petitioner if the Hon'ble High Court pleased to grant time for 3 months. Hence, it is prayed that the Hon'ble High Court may be pleased to grant 3 months time for settlement of arrear of salary to the petitioner."

4.In response to the above, the learned Counsel for the petitioner submitted that a direction could be issued to the respondents to at least settle the terminal benefits in six monthly equal installments.

5.In view of the prayer made by the learned Counsel for the petitioner and also taking into account the counter affidavit filed by the third respondent, the writ petition is disposed of directing the respondents to pay the dues to the petitioner, in six monthly equal instruments and the first installment shall be paid on or before 10th May 2019 and the subsequent installments shall be paid on or before 10th day of succeeding months. If the benefits are not settled as per the aforesaid direction, then, the respondents shall pay interest at the rate of 9% per annum for the terminal benefits. No costs.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-)

To

1.The Registrar of Co-Operative Societies,
Kilpauk, Chennai.

2.The Joint Registrar of Co-Operative Societies,
Thanjavur.

3.The Deputy Registrar of Co-Operative Societies,
Thanjavur.

4.The President,
T.1741 Sakkarasamandam Primary Agricultural
Co-Operative Credit Society,
Thanjavur District,
Pin 613 002.

+1cc to Mr.G.M.Xavier,Advocate, SR.No.54841

+1cc to Special Government Pleader, SR.No.54957

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