



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)NO.691 OF 2019

AND

CMP NO.6100 of 2019

The President,
T.1727, Punavasal Primary Agricultural
Cooperative Credit Society Limited,
Punavasal Post, Thiruvaiyaru Taluk,
Thanjavur District. :Appellant/2nd respondent

.vs.

1.Rajendran :1st respondent/Petitioner

2.The Deputy Registrar of Cooperative Societies,
Samiappa Cooperative Training Institute Premises,
Medical College Road, Thanjavur.
: 2nd Respondent/1st Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.6965 of 2018, dated 28.2.2019.

Prayer in WP(MD). 6965 of 2018 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Mandamus directing the respondents to settle the retirement benefits
of the petitioner due to him with 12% interest from the date of
retirement.



For Appellant

:Mr.J.Anandhavalli

For R-1

:Mr.P.Ganapathi Subramanian

JUDGMENT

[Judgment of the Court was made by **K. RAVICHANDRABAABU, J.**]

The present Writ Appeal is filed by the second respondent before the Writ Court. The writ petition was filed for Mandamus directing the respondents therein to settle the retirement benefits of the petitioner due to him with 12% interest from the date of retirement.

2.The petitioner was working in the second respondent Society as Secretary and retired from service on 31.05.2016. Since his terminal and pensionary benefits were not settled, he approached the Writ Court and filed the writ petition. After hearing both sides, the Writ Court disposed of the writ petition on 28.02.2019 directing the respondents to consider the claim of the writ petitioner in line with the observations made in an earlier order passed in W.P.(MD) No.20107 of 2018, dated 28.02.2019. The Writ Court also observed that insofar as the interest on belated payment and retirement benefits are concerned, the respondents shall pay interest at 8% p.a. from the date of entitlement till the date of payment, failing which, the same shall carry penal interest at 18% p.a. for the defaulted period. The Writ Court, thus, directed the respondents therein to complete the whole exercise within six weeks.

3.Though this writ appeal is filed challenging the said order of the Writ Court, the learned counsel appearing for the appellant fairly submitted that the appellant is not against the grant of such relief to the writ petitioner as ordered by the Writ Court, but the appellant is concerned only with the time limit fixed by the Writ Court for complying with the said order. In other words, it is the contention of the appellant that six weeks time granted by the Writ Court for complying with the said order is too short period, since the Society is facing some financial constraint. Therefore, the learned counsel seeks for making the payment in installments.

4.The learned counsel appearing for the respondent/writ petitioner contended that if the appellant is going to comply with the order of the Writ Court, however by making in installments, this Court can fix a reasonable time limit for complying with the said order, so that the petitioner can enjoy the benefit of the said order within such time.

5.Considering the fact that the appellant is seeking only some additional time for making the payment, that too by way of monthly installments, we are of the view that the interest of both parties will be protected by disposing the writ appeal with the following

directions. Accordingly, the writ appeal is disposed of as follows:-

"The order of the Writ Court is confirmed, however, insofar as the time limit fixed therein is concerned, the same is modified as six installments, commencing from 1st August, 2019. In other words, the monitory benefits payable to the writ petitioner as per the order passed by the Writ Court shall be paid in six equal monthly installments, commencing from 1st August, 2019."

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

The Deputy Registrar of Cooperative Societies,
Samiappa Cooperative Training Institute Premises,
Medical College Road, Thanjavur.

+1 cc Mr. J.ANANDHA VALLI ,Advocate, SR.No. 78014

JUDGMENT MADE IN
W.A(MD) NO.691 OF 2019
26.07.2019

RJ2
KK/SAR/30.07.2019/3P-3C