



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.03.2019**

CORAM:

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

WP (MD) No.24907 of 2016

A.Rajasekaran

... Petitioner

Vs.

1.The Registrar of Co-Operative Societies,
170, Periyar EVR. High Road,
Kilpauk, Chennai.

2.The Joint Registration of Co-Operative Societies,
Madurai Region,
Lady Doak College Road,
Chinna Chokkikulam, Madurai.

3.The Deputy Registrar of Co-Operative Societies,
Usilampatti Circle @ Thirumangalam,
Jawahar Nagar, Thirumangalam,
Madurai District.

4.The President,
A-2682 - Kallikudi Block Elementary School Teachers'
Thrift and Credit Society,
Kallikudi, Thirumangalam Taluk,
Madurai District.

... 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 pay the remaining Terminal Benefits along with accrued interest to the petitioner based on his representations to the respondents.

For Petitioner	: Mr.M.Gururaj
For Respondent	: Mr.V.Anand,
Nos. 1 to 3	Government Advocate
For Respondent	: Mr.R.R.Kannan
No.4	

ORDER

This writ petition has been filed seeking to direct the respondents to pay the remaining Terminal Benefits along with accrued interest to the petitioner based on his representations.

2.The learned Counsel for the petitioner submitted that since the respondents representations seeking to settle the terminal benefits along with accrued interest have not been considered by the respondent, the petitioner is before this Court.



3. Upon notice, the 4th respondent has filed a counter affidavit and paragraph Nos.6 and 7 whereof read thus:

"6. I respectfully submit that after attaining superannuation he was paid with a sum of Rs.6,74,798/- as Employees Provident Fund and Gratuity amount of Rs.1,24,878/- was also settled. Since the writ petitioner has attained superannuation on 30.09.2015, he was informed that on completion of the auditing of the accounts of the Society for the Financial year 2015-2016, the remaining terminal benefits will be settled. During the Course of auditing, it was found that the writ petitioner without permission of the management, has invested the Employees Provident Fund and Gratuity Fund of the petitioner in the Life Insurance Corporation of India, by purchasing two policies in his name and remitted the premium in the following manner.

S. No	Particulars	Policy No	Annual Premium Rs.	Amount invested up to his retirement	Loan Taken by the petitioner Rs	Balance Amount
1	Employees Provident Fund	743458603	14,699	1,91,087	2,24,200	20,497
2	Gratuity Fund	743458604	13,437	1,74,681	2,16,800	29,343

7. I respectfully submit that the writ petitioner has no right to invest the Employees Provident Fund and Gratuity Fund in LIC of India in his own name without the permission of the management and he has no authority to obtain loan from the above policies from the LIC. With the above funds were invested properly, certainly they became the part of the assets of the 4th respondent's society and the writ petitioner has no right to withdraw the amount from the LIC Policies. Apart from that, the writ petitioner has obtained loan from the LIC of India with accrued interest in the Policy amount. Without knowing the above transactions of the writ petitioner, the 4th respondent has released a sum of Rs.6,74,798/- as Employees Provident Fund and released a sum of Rs.1,24,878/- as Gratuity amount to the writ petitioner at the time of his superannuation. However, as per the communication addressed to the writ petitioner dated 20.12.2016, he was directed to remit back the matured amount in the LIC Policies mentioned above in the credit society in order to calculate the



balance terminal benefits to be paid to the writ petitioner."

4. In reply to the above, the learned Counsel stoutly refuted the above averments.

5. Under such circumstances, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 07.12.2016, on merits and in accordance with law and pass necessary orders, after affording 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, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

dsk

To

1. The Registrar of Co-Operative Societies,
170, Periyar EVR. High Road,
Kilpauk, Chennai.

2. The Joint Registration of Co-Operative Societies,
Madurai Region,
Lady Doak College Road,
Chinna Chokkikulam, Madurai.

3. The Deputy Registrar of Co-Operative Societies,
Usilampatti Circle @ Thirumangalam,
Jawahar Nagar, Thirumangalam,
Madurai District.

+1CC TO MR.RR.KANNAN, Advocate Sr. No.57500

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.58145

ORDER MADE IN
WP (MD) No.24907 of 2016
28.03.2019

DB (CO)

TR (09.05.2019) 3P 6C