



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.12.2019

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.26989 of 2019

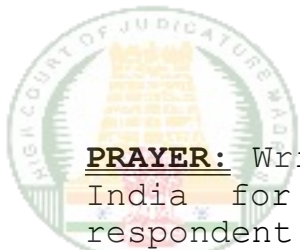
N.Krishnasamy

Petitioner

Vs

1. State of Tamil Nadu
Rep by Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai - 600 009
2. The Registrar of Co-Operative Societies (Housing)
Tamil Nadu Co-operative Housing Societies Complex
2nd Floor, No.48, Ritharton Road
Vepperi
Chennai - 600 007
3. The Deputy Registrar (Housing)
Ramalingasamy Charitable Building Campus
Daniel Thomas Nagar
Medical College Road
Opp. Old Housing Unit
Thanjavur - 613 007
4. The Director of Co-operative Audit
Amma Valagam
2nd Floor
Kalnadai Maruthuvamanai Complex
No.571, Anna Salai, Nandanam
Chennai - 600 035.
5. The President
T.834 Shanmuga Nagar Co-Operative House Building Society Ltd
Opp.Kundavai Natchiar Women's College
Kannan Nagar
Thanjavur - 613 007
6. The Secretary
T.834 Shanmuga Nagar Co-Operative House Building Society Ltd
Opp.Kundavai Natchiar Women's College
Kannan Nagar
Thanjavur - 613 007

Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to pass orders on the Appeal Petition dated 13.07.2019 submitted by the petitioner and to disburse the retirement benefits eligible to the petitioner without recovery from the date of retirement on 30.09.2015 with all consequential and attendant benefits including the payment of interest for the belated payment within a time frame fixed by this Court.

For Petitioner : Mr.F.Deepak

For Respondents : For R1 to R4 - Mr.R.Sethuraman
Special Government Pleader

For R5 & R6- Mr.S.Angappan
Government Advocate

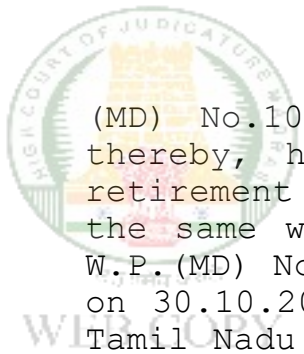
O R D E R

This writ petition is filed to direct the second respondent to pass orders on the Appeal Petition dated 13.07.2019 submitted by the petitioner and to disburse the retirement benefits eligible to the petitioner without recovery from the date of retirement on 30.09.2015 with all consequential and attendant benefits including the payment of interest for the belated payment within a time frame fixed by this Court.

2. Mr.R.Sethuraman, learned Special Government Pleader takes notice for the respondents 1 to 4 and Mr.S.Angappan, learned Government Advocate takes notice for the respondents 5 & 6. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he was appointed as Secretary in Thirukattupalli Co-operative Housing Society through Employment Exchange on 23.04.1983 and his service has been regularised in the post of Secretary with effect from 23.04.1984. Subsequently, he was posted in Shanmuga Nagar Co-operative House Building Society Ltd with effect from 01.05.1996 and made permanent with effect from 01.10.1996. Thereafter, he was posted as Manager of the Society on 01.04.2001. On 30.09.2015, he retired from service on attaining the age of superannuation.

3.1. The further case of the petitioner is that while he was forwarding the proposal for settlement of retirement benefits, he was not permitted to retire, by referring to an audit objection with regard to disbursement of pay and allowance to the tune of Rs.8,82,995/-. But, when there was an audit objection against one V.Kannan, Secretary of the Society, he filed Writ Petition in W.P.



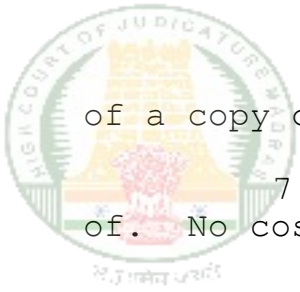
(MD) No.10396 of 2001 and obtained a direction from this Court, thereby, he got retired from service on 31.05.2008 and all the retirement benefits also settled to him without any hindrance. In the same way, the petitioner herein also filed a Writ Petition in W.P.(MD) No.18888 of 2017, before this Court and final orders passed on 30.10.2017 with a liberty to file revision under Section 153 of Tamil Nadu Co-operative Society Act, based on which, the petitioner has filed a Revision petition before the Registrar of Co-operative Society(Housing) on 01.12.2017 and the same was rejected by referring audit objection. Against the rejection order, the petitioner has submitted a detailed objection to the Registrar and the Regional Deputy Registrar of Co-operative Society on 13.07.2018 stating that he was appointed even prior to 12.03.2001 and the settlement arrived under Section 18(1) of Industrial Dispute Act dated 22.03.2001 cannot be applied. Since the objection submitted by the petitioner was not considered, he has filed another Writ Petition in W.P.(MD) No.18416 of 2018, which was dismissed by this Court on 04.09.2018.

3.2. Aggrieved over the same, the petitioner has preferred Writ Appeal in W.A.(MD) No.1851 of 2018, wherein this court allowed the appeal by setting aside the order dated 04.09.2018 in W.P.(MD) No.18416 of 2018 with a direction to the respondents 2 & 3 to consider the representation of the petitioner and pass orders on merits and in accordance with law before 28.02.2019. In pursuant to the order passed in Writ Appeal, the third respondent herein has passed an order dated 21.05.2019, rejecting the petitioner's representation stating that the petitioner is liable to pay a sum of Rs.11,66,338.35/- after deducting the retirement benefits payable to the tune of Rs.2,16,980.25/-. Hence, the petitioner has preferred an appeal to the second respondent dated 13.07.2019. Since no action has been taken by the second respondent so far, the petitioner has come up with this Writ petition.

4. The learned Special Government Pleader appearing for the second respondent submitted that the second respondent has no objection in considering the appeal petition dated 13.07.2019, filed by the petitioner.

5. This Court is of the considered view that since the petitioner got retired from service on 30.09.2015 itself and it is seen from the records that the efforts taken by the petitioner for getting his retiral benefits are in vain, it would be appropriate to direct the second respondent herein to dispose of the appeal preferred by the petitioner on 13.07.2019, expeditiously, within the stipulated time, to meet the ends of justice.

6. In view of the above observations, there shall be a direction to the second respondent to dispose of the appeal filed by the petitioner, dated 13.07.2019 as expeditiously as possible, in



of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

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Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

To

1. The Secretary to Government
State of Tamil Nadu
Housing and Urban Development Department
Fort St.George
Chennai - 600 009
2. The Registrar of Co-Operative Societies (Housing)
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Vepperi
Chennai - 600 007

+1 CC to M/s.F.DEEPAAK, Advocate (SR-106107[F] dated 20/12/2019)

+1 CC to M/s.SPL.GP (SR-106162[F] dated 20/12/2019)

W.P. (MD) No.26989 of 2019

19.12.2019

JMN(08.01.2020) 4P : 5C