



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.01.2020

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.735 of 2020

R.Kamaraj

.. Petitioner

Vs.

1.The Registrar,
Agro Engineering Services,
Office of the Director of Agriculture,
Chepauk, Chennai - 5.

2.The President,
MD (Spl.)-207, Periyakulam Agro Engineering
Service Co-operative Centre Ltd.,
No.15-3-22, Tahsildar Nagar,
Thamaraikulam,
Periyakulam Taluk,
Theni District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to disburse the petitioner's terminal benefits of a sum of Rs.7,75,759/- on the basis of the petitioner's representation dated 27.12.2019 within a time frame stipulated by this Court and pass such further or other orders.

For Petitioner : Mr.R.Shankar Ganesh

For Respondent No.1 : Mr.R.Sethuraman,
Special Government Pleader.

For Respondent No.2 : Mrs.J.Padmavathi Devi,
Special Government Pleader.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to disburse the petitioner's terminal benefits of a sum of Rs.7,75,759/- on the basis of his representation, dated 27.12.2019.



2.Mr.R.Sethuraman, learned Special Government Pleader takes notice for the first respondent and Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

WEB COPY

3.The case of the petitioner is that he was appointed as a Clerk on 10.05.1979 in the 2nd respondent Co-operative Centre temporarily and on 01.07.1984, he was permanently appointed. He attained the age of superannuation on 30.01.2016. At the time of retirement, his basic pay was Rs.5,600/- and gross pay was Rs.18,162/- and ultimately, he received the net pay of a sum of Rs.16,373/-. He has paid a sum of Rs.1,789/- towards EPF. But, the 2nd respondent co-operative centre after deducting the EPF contribution from his salary, has failed to pay the same to the EPF Corporation. As on 31.10.2019, a sum of Rs.4,35,123/- towards EPF fund and Rs.3,40,636/- towards gratuity fund, totally a sum of Rs.7,75,759/- is due from the 2nd respondent Co-operative centre. Now, the Agro Engineering Service Co-operative Society/Centres are not functioning and many of them are become defunct and the Principal Secretary to Government / Agricultural Protection Commission has issued G.O.(Ms)No.220, Agriculture (AE2) Department, dated 23.09.2019 and thereby, appointed the Director of Agriculture / The Registrar of Agro Engineering Services to initiate appropriate proceedings under Section 137 of the Tamil Nadu Co-operative Societies Act, 1983 for winding up the Tamil nadu Agro Engineering Service Co-operative Society / centres, after following the procedure contemplated under the Act. Since the terminal benefits to the tune of Rs.7,75,759/- was not disbursed to the petitioner, he made a representation on 28.11.2019 to the 2nd respondent and also issued a legal notice on 12.12.2019. On 21.12.2019, the 2nd respondent replied that the 2nd respondent co-operative centre is not functioning and also facing financial crisis and the amount can be disbursed by bringing the properties of the society in auction sale. Thereafter, he made a representation dated 27.12.2019 to the 1st respondent, seeking to disburse the terminal benefits by bringing the properties of the 2nd respondent co-operative centre in auction sale before winding up the 2nd respondent co-operative centre. Since no action has been taken, the petitioner has come up with the present writ petition.

4.Though the learned counsel for the petitioner has sought for larger relief, he restricted the prayer to consider the representation of the petitioner, dated 27.12.2019.

5.Considering the limited scope of prayer sought for, this Court without going into the merits of the petitioner's claim, directs the 1st respondent to consider the representation of the



petitioner, dated 27.12.2019 and pass orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 27.12.2019, to the 1st respondent.

WEB COPY

6. With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn

To

1. The Registrar,
Agro Engineering Services,
Office of the Director of Agriculture,
Chepauk, Chennai - 5.

2. The President,
MD (Spl.)-207, Periyakulam Agro Engineering
Service Co-operative Centre Ltd.,
No.15-3-22, Tahsildar Nagar,
Thamaraikulam,
Periyakulam Taluk,
Theni District.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-1727[F] dated 13/01/2020)

+1 CC to M/s.SPL.GP (SR-1965[F] dated 20/01/2020)

**ORDER MADE IN
W.P(MD)No.735 of 2020
13.01.2020**

se(CO)

TR(06.02.2020)3P 5C