



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5212 of 2020

WEB COPY

S.Ramathilagam

...Petitioner

/vs./

- 1.The Joint Registrar of Co-operative Societies
Virudhunagar Region, Collectorate
Kumarasamy Raja Nagar
Virudhunagar (Post & Taluk)
Virudhunagar District
- 2.The Deputy Registrar of Co-operative Societies
Madavarvalagam, Srivilliputtur (Post)
Virudhunagar District
- 3.The President
Rajapalayam Urban Co-operative Bank Ltd.,
Rajapalayam (Post), Virudhunagar District
- 4.The Managing Director
Rajapalayam Urban Co-operative Bank Ltd.,
Rajapalayam (Post), Virudhunagar District
- 5.The Secretary
Rajapalayam Urban Co-operative Bank Ltd.,
Rajapalayam (Post), Virudhunagar District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd and 5th respondents to disburse the difference balance amount of terminal benefits such as Gratuity, Leave Salary and also the difference salary in the new scale of pay along with 18% belated payment on the base of new scale of pay from the date of retirement to the disposal of the above said amount with appropriated days and last drawn pay on the base of the report of the 2nd respondent in Na.Ka.No.4000/2019/Nee.Vaa(1) dated 29.11.2019 which was forwarded to the 3rd respondent within a stipulated period of time fixed by this Court.

For Petitioner	: Mr.K.Gokul
For R1 & R2	: Mr.M.Rajarajan Government Advocate
For R3 to R5	: Mr.S.Dhayalan Government Advocate



ORDER

This Writ petition has been filed for a direction to the 3rd and 5th respondents to disburse the difference balance amount of terminal benefits such as Gratuity, Leave Salary and also the difference salary in the new scale of pay along with 18% interest for the belated payment on the base of new scale of pay from the date of retirement to the disposal of the above said amount with appropriated days and last drawn pay on the base of the report of the 2nd respondent in Na.Ka.No.4000/2019/Nee.Vaa(1) dated 29.11.2019 which was forwarded to the 3rd respondent within a stipulated period.

2.By consent of parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioner would submit that the petitioner joined as Clerk in the respondent Bank on 01.01.1981 and her service was regularized as Clerk with effect from 01.06.1989. After periodical promotion, she was promoted as Assistant Manager in the Managerial Cadre. After that, she retired from service on attaining the age of superannuation on 31.01.2019. According to the petitioner, the respondents bank disbursed all her retirement benefits on wrong calculation on the basis of old salary scale. The respondents disbursed the terminal benefits on old salary scale instead of new salary scale of pay with effect from 01.01.2017. The difference amount of gratuity between the last pay and in the new salary scale of pay as per the Gratuity Act seems to be high. Therefore, the petitioner filed a writ petition in W.P(MD).No.13807 of 2019 where this Court by an order dated 20.06.2019 stated that the petitioner had remedy only before this competent authorities as per Provision of the Tamil Nadu Co-operative Societies Act and she was also given liberty to approach the respondents. As per direction of this Court, the petitioner approached the first and second respondents and stating the above said facts and grievances by way of representation dated 03.08.2019 to the respondents. On the basis of the said representation, the first respondent directed the second respondent to file a report on the petitioner's case. Subsequently, the second respondent sent a letter in Na.Ka.No.4000/2019/Nee.Vaa (1), dated 29.11.2019 to the third respondent stating that the petitioner is liable for new scale of pay with effect from 01.01.2017 and also stated that based on the new scale of pay, the amount of Rs.2,16,052/- can be sanctioned.

4.The learned counsel for the petitioner would further submit the award has been passed as early as 29.11.2019 by the second respondent. The third respondent has to pass orders based on the letter sent by the second respondent. But, so far, the third respondent has not passed any order. Hence, the petitioner made a representation, dated 03.02.2020 to the respondents to disburse the above said amount. But, so far, no action has been taken by the respondents. Hence, the petitioner is before this Court.



5.Heard the learned counsel for the petitioner as well as the learned Government Advocates appearing for the respondents.

6.Considering the limited scope of prayer sought for in the Writ petition, the third respondent is directed to consider the representation of the petitioner, dated 03.02.2020 in the light of the order passed by the second respondent in Na.Ka.No.4000/2019/Nee.Vaa(1) dated 29.11.2019 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall enclose the copy of the representation, dated 03.02.2020 along with this order copy to the respondents.

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

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To

- 1.The Joint Registrar of Co-operative Societies
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Rajapalayam Urban Co-operative Bank Ltd.,
Rajapalayam (Post), Virudhunagar District
- +1 CC to M/s.K.GOKUL, Advocate (SR-11363[F] dated 12/03/2020)
+1 CC to M/s.SPL.GP (SR-11592[F] dated 13/03/2020)
+1 CC to M/s.V.O.S.KALAISELVAN, Advocate (SR-11926[F] dated

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KB(28/05/2020) 3P 9C

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