



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.8177 of 2020

and

W.M.P.(MD) No.7596 of 2020

(Through Video conferencing)

A.Kannan

...Petitioner

-Vs-

1.Deputy Registrar of Co-operative Societies,
O/o.Deputy Registrar of Cooperative Societies,
Madurai Region,
41, 42, Krishnarayar Theppakulam Street,
Old RDC Bank Complex,
Madurai - 1.

2.The Sub Registrar/Filed Officer/Administrative Officer,
O/o.Cooperative Societies,
Kottampatti Union, Kottampatti,
Madurai.

3.The President,
A2246, Vanji Nagaram Primary Agricultural
Cooperative Credit Society,
Keelanattarmangalam Post,
Melur Taluk,
Madurai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records issued by the 3rd respondent dated 18.06.2020 and quash the same and consequently direct the respondents 1 to 3 to pay all retirement benefits which are entitled for the petitioner.

For Petitioner : Mr.K.Sathish Kumar for
Mr.M.Subash Babu

For Respondents : Mrs.J.Padmavathi Devi, Spl.G.P.

ORDER

The prayer sought for herein is for a writ of Certiorarified Mandamus, to call for the records issued by the 3rd respondent dated 18.06.2020 and quash the same and consequently direct the respondents 1 to 3 to pay all retirement benefits which are entitled to the petitioner.



2. Heard Mr.K.Sathish Kumar, learned counsel appearing for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents.

3. The petitioner was working as Attender at Vanjinagaram Primary Agricultural Co-operative Bank (A2246 at Keelanattarmangalam, Melur Taluk, Madurai District.). On Superannuation, he retired from service on 29.02.2020. However, the retirement benefits payable to the petitioner have not so far been paid to the petitioner and in this regard, the petitioner has given a representation on 01.06.2020 to the 3rd respondent and also copy marked to the respondents 1 and 2. However, the 3rd respondent vide his impugned communication dated 18.06.2020 has communicated to the petitioner that, in view of the letter issued by the 1st respondent dated 24.02.2020 and Kottampatti Union Filed Officer dated 25.02.2020 and Mela Valavu Primary Agricultural Co-operative Bank Secretary's letter dated 25.02.2020, retiral benefits of the petitioner are not paid. Therefore, after getting clarification from the 1st respondent i.e. District Registrar of Co-operative Societies, Madurai Region, it would be cleared. Challenging the said communication dated 18.06.2020 issued by the 3rd respondent, the petitioner has filed this writ petition with the aforesaid prayer.

4. Heard the learned Special Government Pleader appearing for the respondents, who, after taking notice and on instructions, would submit that, only awaiting clarification from the 1st respondent, the retiral benefits of the petitioner could not be paid, that was only communicated in the impugned order dated 18.06.2020. Since the same is under challenge, the learned Special Government Pleader would fairly submit that, unmindful of the said communication dated 18.06.2020, the respondent would consider the request of the petitioner and after considering the same, what are all the retiral benefits, for which, the petitioner is entitled to, would certainly be identified and calculated and to be disbursed to the petitioner within a time frame to be stipulated by this Court.

5. The said fair submission made by the learned Special Government Pleader appearing for the respondents is hereby recorded and in view of the same, this Court is inclined to dispose of this writ petition with the following direction:

"The respondents are hereby directed to consider the request of the petitioner dated 01.06.2020 unmindful of the communication dated 18.06.2020, which is impugned in this writ petition and accordingly, decide what are all the retiral benefits, for which, the petitioner is entitled to and after calculating the same, disburse the said benefits to the petitioner. The aforesaid exercise shall be undertaken by the respondents, within a period of eight weeks from the date of receipt of a copy of this



order."

6. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. Deputy Registrar of Co-operative Societies,
O/o. Deputy Registrar of Cooperative Societies,
Madurai Region,
41, 42, Krishnarayar Theppakulam Street,
Old RDC Bank Complex,
Madurai - 1.
2. The Sub Registrar/Field Officer/Administrative Officer,
O/o. Cooperative Societies,
Kottampatti Union, Kottampatti,
Madurai.
3. The President,
A2246, Vanji Nagaram Primary Agricultural
Cooperative Credit Society,
Keelanattarmangalam Post,
Melur Taluk,
Madurai District.

+1 CC to M/s.M.SUBASH BABU, Advocate(SR-13424[F] dated 31/07/2020)

Order made in
W.P. (MD) No. 8177 of 2020
29.07.2020

AP(12/08/2020) 3P 5C

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