



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2020

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.18753 of 2020

C.Ponnusamy

...Petitioner

Vs

1.The Joint Registrar,
Office of the Joint Registrar of Coop Societies,
Collectorate Campus, Vedasandur Road,
Dindigul.

2.The Deputy Registrar,
Office of the Deputy Registrar of Coop Societies,
Nehru Nagar, Dindigul.

3.The President,
DD 534 Kambiliampatti Primary Agricultural
Cooperative Credit Society Limited,
Kambiliampatti, Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to sanction and settle the petitioner's personal benefits, like encashment of earned leave salary for a sum of Rs.2,06,316.92 and gratuity amount of Rs.4,48,423/- with interest at the rate of 1% from 01.04.2011 based on the petitioner's representation dated 24.06.2020 within the period that may be stipulated by this Court.

For Petitioner	:	Mr.R.Saravanan
For Respondents	:	Mr.B.Bhagavathy Government Advocate

ORDER

This Writ Petition is filed to direct the respondents 1 and 2 to sanction and settle the petitioner's personal benefits, like encashment of earned leave salary and gratuity amount, by considering the petitioner's representation dated 24.06.2020.

2.The learned counsel appearing for the petitioner would submit that the petitioner was working as Secretary under the 3rd respondent society. On 31.03.11, in which date, the petitioner attained the age of superannuation, the 3rd respondent suspended the petitioner from service and subsequently, he was terminated from service from 08.11.2011. In the meantime, the 2nd respondent has filed a criminal complaint as against the petitioner and others and the same has been taken on file in C.C.Nos.84 and 85 of 2011 by the learned Judicial Magistrate No.III, Madurai. After trial, the petitioner was



acquitted from the aforesaid charges on 03.02.2018 and challenging the same, no appeal has been preferred till date.

3.The learned counsel would further submit that narrating all the aforesaid facts, though the petitioner has given a representation, dated 24.06.2020 to the 1st respondent requesting him to disburse the earned leave salary and gratuity payable to the petitioner, so far no action has been taken. Hence, the present writ petition.

4.The learned counsel would further submit that even though the petitioner was terminated from service on 08.11.2011, he is entitled to earned leave salary, gratuity, provident fund and etc.,

5.In reply, Mr.B.Bhagavathi, learned Government Advocate would fairly submit that the petitioner's representation, dated 24.06.2020 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6.Admittedly, it is settled law that the contribution made by the petitioner / employee towards Special Provident Fund and the encashment of Earned Leave lying to his credit, are the properties of the petitioner and the same cannot be denied to the petitioner, even if he is dismissed from service.

7.In such view of the above, this Court is inclined to pass the following direction:-

the 1st respondent is directed to settle the contribution made by the petitioner towards encashment of earned leave salary and gratuity, if any, within a period of eight weeks from the date of receipt of a copy of this order, in the light of the law settled by this Court in W.P.(MD) No.23328 of 2015, dated 19.01.2016 and by considering the petitioner's representation, dated 24.06.2020;

8.With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Joint Registrar,
Office of the Joint Registrar of Coop Societies,
Collectorate Campus, Vendasandur Road,
Dindigul.
 - 2.The Deputy Registrar,
Office of the Deputy Registrar of Coop Societies,
Nehru Nagar, Dindigul.
 - 3.The President,
DD 534 Kambiliampatti Primary Agricultural
Cooperative Credit Society Limited,
Kambiliampatti, Dindigul District.
- +1 CC to M/s R.Saravanan,Advocate,in SR.No.26161.
- +1 CC to Special Government Pleader SR.No.26699.

W.P. (MD) No.18753 of 2020
18.12.2020

(ES) CO
AP(11/01/2021) 3P 6C