



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.3935 of 2017

S.Mangalanathan

... Petitioner

Vs.

1. The Registrar,
Tamilnadu Co-operative Housing Societies,
Door No.493, TNHB Complex,
Second Floor, Nandanam,
Chennai - 600 035.
2. The Managing Director cum Chairman,
Tamilnadu Co-operative Housing Federation,
Door No.48, Riverton Road,
Veperi, Chennai - 600 009.
3. The President,
NN 150, Ramanathapuram Co-operative
Housing Society Limited,
Door No.275, Vandikara Street,
Ramanathapuram.

... Respondents

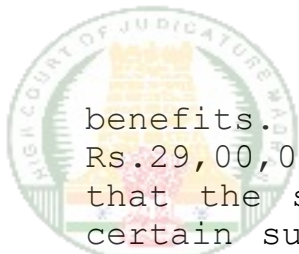
Prayer: Writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 30.06.2016, 15.07.2016 and 09.08.2016 and disburse to the petitioner a sum of Rs.29,00,673.77p. (Rupees Twenty Nine Lakhs Six Hundred Seventy Three and Paise Seventy Seven only) towards Provident Fund, Gratuity, Arrears of Salary, Earned Leave Salary, Staff Security Deposit and Staff Security Deposit Interest.

For Petitioner	: Mr.J.Barathan
For R-1 & R-2	: Mrs.S.Srimathy, Special Government Pleader.
For R-3	: Mr.V.Muruganandam

O R D E R

Heard the learned counsel on either side.

2. The petitioner was employed in the third respondent society and he retired from service on 29.02.2016. The petitioner's grievance is that he has not received his retiral



benefits. The petitioner claims that he would be paid a sum of Rs.29,00,000/-. The petitioner's counsel also informs this Court that the second respondent federation had already made available certain sum of money to the third respondent society so that the petitioner's claim can be settled. The petitioner wants this Court to direct the third respondent to disburse the petitioner's retiral benefits.

3. The learned counsel appearing for the third respondent states that the third respondent society has incurred huge loss and that it is not in a position to settle the petitioner's claim. If that be so, the first respondent has to initiate proper liquidation proceedings and ensure that the creditors of the third respondent society are settled their dues in proportion to their claims. The petitioner as the retired employee of the third respondent society will also definitely have a claim. The petitioner has also given a representation in this regard to the first respondent.

4. The first respondent is directed to go into the issue and if necessary and required, he shall initiate the liquidation proceedings. I assume that certain sums of money are also to be recovered by the third respondent. Such steps will also be taken. The claims of the creditors and the other claims like the petitioner will have to be settled. The entire process has to be fast tracked and concluded within a period of ten months. The first respondent is directed to issue appropriate proceedings in this regard within a period of six weeks from the date of receipt of a copy of this order.

5. This writ petition stands disposed on these terms. No costs.

Sd/-

Assistant Registrar (RECORDS)

// 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

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



the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

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