



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

Writ Petition(MD) No.385 of 2016

S.Subramanian

... Petitioner

/vs./

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai.

2.The Joint Registrar of Co-operative Societies,
Virudhunagar Region, Virudhunagar.

3.The Deputy Registrar of Co-operative Societies,
Srivilliputhur,
Virudhunagar District.

4.The Special Officer,
774, Watrap Primary Agricultural,
Co-operative Credit Society,
Watrap-626 132,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the petitioner's 8-months salary arrears, salary increment and retirement benefits such as Provident Fund and Gratuity accrued within the interest of 18% within the time stipulated on the basis of the petitioner's representation dated 04.06.2015.

For Petitioner : Mr.S.Maialingam

For Respondents : Mr.R.Sethuraman
Special Government Pleader (for R1 to R3)

Mr.D.Shanmugaraja Sethupathi (for R4)



ORDER

For non-payment of the petitioner's salary arrears, the petitioner has filed the present writ petition seeking for disbursement of the salary arrears along with interest at the rate of 18%.

2.The petitioner herein was employed as Office Assistant under the fourth respondent's Co-operative Society, would claims that the respondents had not paid the salary from 01.04.2008 to 28.02.2019, in accordance with the G.O.Ms.No.131, dated 17.11.2009, wherein, the petitioner claims that the third respondent had disbursed the monetary benefits to all other employees and had discriminated him.

3.The learned counsel appearing for the fourth respondent had filed a counter affidavit before this Court stating that the arrears of salary including Provident Fund and Gratuity payable to the petitioner for the period from 01.04.2004 to 31.03.2006, is Rs.3,14,036/- could not be settled in time in view of the financial crisis prevalent in the fourth respondent Co-operative Society.

4.The learned counsel for the petitioner would submit that though he had claimed arrears of salary for a longer period, he would be satisfied to the amount of Rs.3,14,036/- referred to in paragraph No.10 of the counter affidavit, paid to him along with interest, as early as possible.

5.In view of the submissions made by the learned counsel for the petitioner as well as by recording the statements made in the counter affidavit filed by the fourth respondent herein, there shall be a direction to the respondents to disburse a sum of Rs.3,14,036/- along with interest at the rate of 6% per annum from 31.03.2006 onwards till the date of actual payment, within a period of three months from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai.

2.The Joint Registrar of Co-operative Societies,
Virudhunagar Region, Virudhunagar.

3.The Deputy Registrar of Co-operative Societies,
Srivilliputhur,
Virudhunagar District.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-3681[F] dated 29/01/2020)

+2 CC to M/s.S.MAHALINGAM, Advocate (SR-3799[F] dated 29/01/2020)

+1 CC to M/s.Special Govt.Pleader (SR-3910[F] dated 30/01/2020)

Order made in
W.P.(MD)No.385 of 2016
29.01.2020

sj i

SDS (14.02.2020) 3P-8C