



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.NO.16878 OF 2021

[Video Conferencing]

Nagarathnam

W/o.Late T.Sampathkumar

... Petitioner

.Vs.

1. The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Poonamalee High Road,
Kilpauk, Chennai - 600 010.
2. The Joint Registrar of Co-operative Societies,
Arokyasamy Road, Saibaba Colony,
Coimbatore.
3. The Deputy Registrar of Co-operative Societies,
Arokyasamy Road, Saibaba Colony,
Coimbatore.
4. The Papanickenpudur Co-operative Stores Limited,
No.K.1989,
Rep. By its The President/Secretary,
109, Maruthamalai Main Road,
Papanickenpudur Post,
Coimbatore - 641 041.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to forthwith disburse the retirement benefits payable to the petitioners husband namely late T.Sampathkumar, including Provident Fund, Gratuity, Leave Salary and all other emoluments entitled by the petitioners husband namely late T.Sampathkumar.



WEB COPY

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.C.Kathiravan
For R1 to R3
Government Advocate

Mr.C.Selvaraj for R4
Government Advocate

O R D E R

1. By consent, the Writ Petition is taken up for final disposal and is disposed of by this order.

2. Mr.C.Kathiravan, learned Government Advocate, accepts notice on behalf of the respondents 1 to 3. Mr.C.Selvaraj, learned Government Advocate, accepts notice on behalf of the 4th respondent.

3. The petitioner has filed the present Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents to forthwith disburse the retirement benefits payable to the petitioners husband namely late T.Sampathkumar, including Provident Fund, Gratuity, Leave Salary and all other emoluments entitled by the petitioners husband namely late T.Sampathkumar.

4. Learned counsel for the petitioner would submit that the petitioner 's husband has submitted a representation to release his retirement benefits. The 3rd respondent by a letter dated 23.04.2021 replied that he is not entitled for the earned leave and the other benefits cannot be disbursed immediately due to financial crisis of the Co-operative Society. The 4th respondent has made payment of Rs.2,54,200/- by way of cheque and the details of the head not known. The husband of the petitioner has attained superannuation as on 31.05.2016 and he died on 20.06.2021. But till date, the respondent/Society has not settle the entire retirement benefits.

5. Learned Government Advocate appearing for the respondents has submitted though the petitioner is entitled to a sum of Rs.2,96,507/- towards Provident Fund, the Co-operative Society, due to financial crisis is unable to settle him now since it is running in a loss. He further submitted that action will be taken to disburse the amount forthwith for which the petitioner's husband is entitled to.

6. Considering the facts and circumstances of the case and the submissions made on either side and without going into the



merits of the claim made by the petitioner, this Court directs the 4th respondent to disburse the retirement benefits payable to the petitioner's husband including Provident Fund, Gratuity, Leave Salary and all other emoluments, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.

7. In the result, the Writ Petition stands Allowed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Poonamalee High Road,
Kilpauk,
Chennai - 600 010.
2. The Joint Registrar of Co-operative Societies,
Arokyasamy Road, Saibaba Colony,
Coimbatore.
3. The Deputy Registrar of Co-operative Societies,
Arokyasamy Road, Saibaba Colony,
Coimbatore.
4. The Papanickenpudur Co-operative Stores Limited,
No.K.1989,
Rep. By its The President/Secretary,
109, Maruthamalai Main Road,
Papanickenpudur Post,
Coimbatore - 641 041.

+1cc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.40875
+1cc to the Government Pleader, S.R.Nos.41092, 40735

W.P.NO.16878 OF 2021

KV(CO)
NSK/14/09/2021