



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.17977 of 2020

R.Venkatarakrishnan

.. Petitioner

Vs

1. The Joint Registrar,
Co-operative Societies,
Office of the Joint Registrar,
District Collector Office Campus,
Villupuram.
2. The Deputy Registrar,
Co-operative Societies,
Villupuram - 605 602.
3. Vakkur Primary Agricultural
Co-operative Credit Society Limited (E-2287)
represented by tis President,
Vakkur Village and Post,
Vikiravandi Taluk,
Villupuram District - 605 501.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to disburse the retirement benefits including EPF contribution and the payment of gratuity and the deposited amount to the extent of Rs.19,02,550/- (Nineteen Lakhs Two Thousand and Five Hundred and Fifty only) within such stipulated time.

For Petitioner : Mr.K.Raja
for Mr.M.Kaviveerappan

For Respondents : Mrs.Akila Rajendran,
Government Advocate for R1 & R2

Mr.L.P.Shanmugasundaram
for R3



O R D E R

The Writ Petition has been filed by the petitioner seeking disbursement of the retirement benefits which are due and payable to him.

2. The petitioner joined the service of the respondent as Secretary in 1983 and retired from service on attaining the age of superannuation on 30.06.2016. Despite his retirement on 30.06.2016, his retirement benefits has not been settled yet, forcing him to submit representations on 12.11.2019 and 29.12.2019.

3. As there was no response forthcoming, he submitted another representation on 23.09.2020 seeking settlement of his retirement benefits to the tune of Rs.19,02,550/-. Finding no response for the last representation also, the petitioner has come up with the present writ petition with a prayer for issuance of Writ of Mandamus.

4. In response to the notice issued in the writ petition, a counter affidavit has been filed on behalf of the 2nd respondent. Although, counter affidavit contained several averments, yet what is relevant for consideration for disposal of the petition is stated in paragraph (c) which is extracted hereunder.

C) It is submitted that the 3rd respondent Society is functioning with cumulative loss from the year 2008-2009 and during 2018-19 the cumulative loss stood as Rs.1,98,16,371.43 and not able to settle the retiral benefits in one lump sum. In these circumstances, the 3rd respondent Society has to settle the eligible retiral balance benefits by instalments namely Rs.60,000/- per Quarter wise only.

5. The learned counsel for the petitioner would submit that the petitioner is in dire need of his retirement settlement benefits due to his deteriorated health condition and he would be willing to accept the settlement proposal as contained above. He would therefore request his Court to give a direction to the competent authority to atleast adhere to the time line as disclosed in the counter affidavit stated above.

6. At this, the learned counsel for the respondents would submit that if a direction is to be issued in terms of the above order, the same will be complied duly without fail.

7. In view of the above, the Writ Petition is disposed of



with a direction to the 3rd respondent to settle the retirement benefits as due and payable to the petitioner by commencing the first quarter payment of Rs.60,000/- from this month onwards without fail till the liability towards retirement benefits is discharged.

8. The first quarter payment should be made on or before 10th of this month (10.12.2021) and to be followed by every quarter payment (Rs.60,000/-) on or before 10th of the following due months without fail.

9. Although the petitioner is entitled to be paid the retirement benefits in lump sum, in view of the peculiar circumstances that cumulative loss occurred to the Society, the present arrangement has been put in place. The 3rd respondent Society is therefore, directed to ensure that the time line be strictly adhered to without any departure.

No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Joint Registrar,
Co-operative Societies,
Office of the Joint Registrar,
District Collector Office Campus, Villupuram.
2. The Deputy Registrar,
Co-operative Societies,
Villupuram - 605 602.

+1cc to Mr.M.Kaviveerappan, Advocate, S.R.No.62763

+1cc to the Government Pleader, S.R.No.63017

W.P.No.17977 of 2020

SS (CO)
SU(02/12/2021)