

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28832 of 2014

M.Manickam

... Petitioner

Vs

1. The Deputy Registrar of Cooperative Societies [Housing]
East Garden Street, Fairlands,
Salem - 636 016.
 2. The Special Officer,
Sathyamangalam Taluk Co-operative
Housing Society Ltd., SLM HSG 84,
427, Bannari Main Road, Kottuveerampalayam,
Sathyamangalam - 1, Erode District.
 3. The President,
Sathyamangalam Taluk Co-operative
Housing Society Ltd., SLM HSG 84,
427, Bannari Main Road, Kottuveerampalayam,
Sathyamangalam - 1, Erode District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to disburse the balance service benefits of Rs.3,03,773/- with 12% interest till the date of payment by considering the petitioner's representations dated 18.01.2012, 02.04.2012, 23.06.2012, 30.05.2013, 21.06.2013 and 24.09.2013.

For Petitioner : Mr.N.Manokaran

For Respondents : Mrs.T.Girija

Additional Government Pleader - R1
Mr.L.P.Shanmugasundaram, SGP- R3

ORDER

This writ petition has been filed seeking a direction to the respondents to disburse the balance service benefits of Rs.3,03,773/- with 12% interest till the date of payment by considering the petitioner's representations dated 18.01.2012, 02.04.2012, 23.06.2012, 30.05.2013, 21.06.2013 and 24.09.2013.

2.According to the petitioner, after 30 years of service as a clerk in the second respondent society, he was permitted to retire on 30.11.2009. Consequently, the second respondent

calculated the petitioner's retirement benefits to the tune of Rs.10,03,835/-, but paid only a sum of Rs.7,00,062/- on various dates. Claiming the balance amount of Rs.3,03,773/-, the petitioner sent various representations on 18.01.2012, 02.04.2012, 23.06.2012, 30.05.2013, 21.06.2013 and 24.09.2013 and finally legal notices dated 28.11.2012 and 27.02.2013. However, none of the representations yielded any response. Hence, this writ petition.

3.On the other hand, the learned Additional Government Pleader appearing for the first respondent submitted that the entire retirement benefits payable to him, was already disbursed to the petitioner and there was no delay on the part of the respondents in settling the same and hence prayed for dismissal of this writ petition.

4.The aforesaid submissions made on the side of the first respondent were seriously opposed by the learned counsel for the petitioner. According to him, the petitioner has not been paid the entire service benefits and therefore, the respondents may be directed to settle the balance amount due to the petitioner along with interest.

5.Considering the rival submissions and taking note of the fact that the petitioner claimed the balance service benefits due to him, which is neither a bounty nor a matter of grace, but is a valuable right and it cannot be paid at the sweet will of the respondents, this Court feels it appropriate to grant liberty to the petitioner to approach the authority concerned afresh. Accordingly, this writ petition stands disposed of, with liberty to the petitioner to submit a fresh representation to the respondents indicating all the details of the amount payable to him, within a period of two weeks from the date of receipt of a copy of this order. On such representation being made, the respondents shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

vrc

To

1. The Deputy Registrar of Cooperative Societies [Housing]
East Garden Street, Fairlands,
Salem - 636 016.

2. The Special Officer,
Sathyamangalam Taluk Co-operative
Housing Society Ltd., SLM HSG 84,
427, Bannari Main Road, Kottuveerampalayam,
Sathyamangalam - 1, Erode District.

+1CC TO MR.N.MANOKARAN, ADVOCATE, SR.NO. 4740
+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO. 4921

W.P.No.28832 of 2014

GMI (CO)
KKN 29.04.2021



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