

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.19081 of 2020

Kalaiaarasi

... Petitioner

vs.

1. The President,
CP99 Maivadi,
Narasingapuram,
Primary Agricultural Credit Society,
Palappampatti (Palani Main Road),
Udumalpet.
2. The Deputy Registrar,
Public Distribution System,
Collectorate Complex,
Tiruppur District.
3. The Joint Registrar,
Joint Registrar of Co-operative Society,
Collectorate Complex,
Tiruppur District.
4. The Deputy Registrar,
Deputy Registrar of Co-operative Society,
Syndicate Book Building Upstairs,
Dharapuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents 1 to 4 to disburse service benefits, i.e. Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs to the Petitioner, by disposing of the Petitioner's representation dated 14.03.2020 and reminder representation dated 01.06.2020.

For Petitioner : Mr.Praveen S.Kumar

For Respondents 1, 3 & 4: Mr.P.Balaramesh,
Addl. Government Pleader

ORDER

Petitioner has come up with this Writ Petition seeking a direction to Respondents 1 to 4 to disburse service benefits, i.e. Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs to her, on consideration of her representation dated 14.03.2020 and the reminder dated 01.06.2020.

2. When the matter was taken up for hearing, learned Additional Government Pleader appearing for the Respondent/Society submitted that, the Society is in financial crisis and that, they will pay the terminal benefits due to the Petitioner, i.e. a sum of Rs.5,97,810/- in 60 instalments.

3. In reply, learned counsel for the Petitioner submitted that, the Petitioner is entitled to more than a sum of Rs.7,00,000/- towards terminal benefits and that, the amount quantified by the Respondents, is incorrect.

4. This Court is not inclined to go into the disputed question of amount payable to the Petitioner towards terminal benefits. However, it is an admitted case by the Respondents that, a sum of Rs.5,97,810/- has to be paid to the Petitioner.

5. Taking note of the submissions of the learned counsel for the parties, this Court directs the Respondents herein to pay a sum of Rs.5,97,810/- due to the Petitioner towards terminal benefits, in twelve equal monthly instalments, together with interest at 6% per annum. The first instalment shall be paid by the Respondent/Society on 15.04.2021 and the subsequent instalments shall be made on 15th of every month.

6. In case, the Respondent/Society fails to pay any one of the instalments to the Petitioner, interest on the delayed payment will be at 10% per annum, and the same shall be recovered from the Official responsible in disbursing the same. However, the amount due to the Petitioner shall be paid initially and recovery from the Officer can be made later.

7. With regard to the contention of the learned counsel for the Petitioner that, a sum of more than Rs.7 lakhs is payable by the Respondent/Society towards terminal benefits, this Court is of the view that, it is open to the Petitioner to work out her remedy before the appropriate forum as to the difference in payment of dues to her. However, it is made clear that, the Respondent/Society is not precluded from paying the admitted dues to the tune of Rs.5,97,810/-.

8. Statement of the dues payable to the Petitioner shall be furnished to the Petitioner by the Respondent/Society at the time of disbursement of the first instalment on 15.04.2021.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

(aeb)

To:

1. The President, CP99 Maivadi, Narasingapuram,
Primary Agricultural Credit Society,
Palappampatti (Palani Main Road), Udumalpet.
2. The Deputy Registrar,
Public Distribution System,
Collectorate Complex, Tiruppur District.
3. The Joint Registrar,
Joint Registrar of Co-operative Society,
Collectorate Complex, Tiruppur District.
4. The Deputy Registrar,
Deputy Registrar of Co-operative Society,
Syndicate Book Building Upstairs, Dharapuram.

+1cc to Mr.P.Balaramesh, Advocate SR.No.19025

+1cc to Mr.Praveen S.Kumar, Advocate SR.No.19028

W.P.No.19081 of 2020

PMK (CO)
GMY (08/04/2021)