

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.15802 of 2017
and
W.M.P.No.17108 of 2017

G.Krishnasamy

... Petitioners

Vs

- 1.The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram.
- 2.The Deputy Registrar of Co-operative Societies,
Tindivanam Circle,
Tindivanam.
- 3.C-Spl 101, Kalaiyur Primary Agricultural
Co-operative Credit Society Ltd.,
Rep by its President,
Kalaiyur Post,
Gingee Taluk, Villupuram District. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner retirement benefits of Rs.19,36,833/- with 12% interest from the date of resignation to till payment.

For Petitioner : M.S.Palaniswamy
For R1 & R2 : Mr.T.Girija, AGP
For R3 : Mr.L.P.Shanmugasundaram, Spl. GP

ORDER

The relief sought for in this writ petition is to direct the respondents to pay the petitioner retirement benefits of Rs.19,36,833/- with 12% interest from the date of resignation to till payment.

2.According to the petitioner, he was appointed as Secretary of the 2nd respondent society on 01.06.1988 and after completion of 29 years of service, he resigned his job, which was also

accepted by the 3rd respondent, vide proceedings dated 22.03.2017. Thereafter, he approached the respondents 1 & 2 and sought terminal benefits payable to him. However, the said claim was not considered, till date. Hence, this writ petition.

3. Upon notice, the respondents 1 & 2 filed a detailed counter affidavit, inter alia stating that the petitioner, who resigned his job from the third respondent society, has to approach the third respondent for payment of his retirement benefits; the third respondent has not passed any order denying or withholding the retirement benefits of the petitioner; and only if any such order has been passed, the petitioner could approach the first respondent by filing revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983.

4. Today, when the matter was taken up for consideration, the learned Additional Government Pleader appearing for the respondents has produced a copy of the proceedings of the Joint Registrar, Villupuram, in Na.Ka.No.4178/2015/Tho.Ve.Sa(1) dated 24.03.2021, wherein it is stated that due to financial constraints, the third respondent was unable to settle the terminal benefits due to the petitioner and the same would be disbursed within a time to be stipulated by this Court.

5. In view of the above, this Court, taking note of the fact that the resignation of the petitioner was accepted on 22.03.2017 and considerable time has already lapsed in settlement of retirement benefits due to the petitioner, directs the 3rd respondent society to pass appropriate orders, as regards the grant of terminal benefits to the petitioner, in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS IV)

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Sub Assistant Registrar

mtl
To

1. The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram.

2.The Deputy Registrar of Co-operative Societies,
Tindivanam Circle,
Tindivanam.

+1cc to Mr.M.S.Palaniswamy, Advocate Sr.19870
+1cc to the Government Pleader Sr.20137

W.P.No.15802 of 2017

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srg 08/07/2021



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