



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D 04.08.2021

C O R A M

THE HON'BLE MR.JUSTICE C.SARAVANAN

WRIT PETITION NO.30901 OF 2018

(THROUGH VIDEO CONFERENCING)

K.K.Subramaniam

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
(Revisional Authority)
Erode Zone, Erode.

2.The Management
AA 188, Perunthurai R.S. Primary Agriculture
Co-operative Credit Society,
Perunthurai R.S. and Post,
Erode.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records on the file of the first respondent in proceedings dated Na.Ka.No.2385/2015/saba, dated 16.04.2018 as illegal, arbitrary to law and quash the same and consequently direct the respondents to sanction and disburse the principal amount of Rs.1,44,371.10 along with 18% interest on the non payment of provident fund for the period from 08.02.1984 to till the date of payment.

For Petitioner : Mr.V.Kathirvelu

For Respondents : Mr.L.P.Shanmugasundaram
Spl. G.P. for R-1

M/s.T.Girija for R-2



O R D E R

The petitioner was employed with the respondent in the year 1967 as a clerk and was thereafter promoted as an accountant in the year 1979 and thereafter as a Secretary in the year 1980. He was thereafter subjected to disciplinary proceedings which preceded an order of suspension on 21.12.1984. Thereafter, the petitioner was dismissed from service on 27.04.1987. The petitioner sent a representation to the respondent to clear the gratuity and provident fund which has culminated by impugned order dated 16.04.2018. In the impugned order it has been categorically stated that the respondents are willing to settle the provident fund for a sum of Rs.1,44,371.10. It is however stated that the petitioner was not entitled for gratuity and payment in terms of Section 6 of the Gratuity and Payment Act, 1972. In this writ petition, the petitioner has sought for interest at the rate of 18% per annum for the aforesaid amount from the due date. On the other hand, it is the contention of the respondent that the petitioner has neither filed any application nor taken steps for getting a provident fund amount and therefore the amount was credited to the Sundry Creditors Account and they are ready and willing to pay the said amount without any interest.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. The amount lying in the Sundry Creditors Account would have fetched interest right from 1987 when the petitioner was dismissed from service. Even if the petitioner had not taken requisite steps by filing documents for getting the provident fund relief released, it was incumbent on the part of the respondent, being an organization taken steps to ensure that the provident fund amount was released to an employee whose service was being terminated. Notwithstanding the fact that such an employee was a delinquent employee who was subsequently dismissed from service, there was no justification in keeping the provident fund amount by the respondent. Over the period of last 4 decades, the banks rates have been rationalized and reduced.

4. Considering the same, this Court is inclined to direct the respondent to pay the above said amount of Rs.1,44,371.10 to the petitioner together with interest at the rate of 7.5% from the date of dismissal from service to till the date payment. The said exercise shall be carried out by the respondents within a period of 8 weeks from the date of receipt of a copy of this order.



5 . This Writ Petition is disposed with the above directions. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rrg

To

1.The Joint Registrar of Co-operative Societies,
(Revisional Authority)
Erode Zone, Erode.

2.The Management
AA 188, Perunthurai R.S. Primary Agriculture
Co-operative Credit Society,
Perunthurai R.S. And Post,
Erode.

+1cc to M/S.V.Kadhirvelu, Advocate, S.R.No.38433

+1cc to M/S .T.Girija, Advocate, S.R.No.38604

W.P.No.30901 of 2018

KSM(CO)
PM/16/09/2021