



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.2726 of 2020

S.Shanmugasundaram

... Petitioner

vs.

1.The Director of Backward Classes Welfare,
Ezhilagam, Chempauk,
Chennai - 600 005.

2.The District Backward Classes and
Minorities Welfare Officer,
Collectorate,
Thiruvarur.

3.The Joint Registrar of Co-operative Societies,
N.S.C.Bose Nagar,
Ramani Nagar,
Thanjavur - 613 007.

4.The Deputy Registrar of Co-operative Societies,
Thanjavur.

5.The Thanjavur District Revenue Officials Co-operative
Thrift and Credit Society Limited, T.1872,
Rep. by its President,
Cutuchery Road,
Thanjavur - 613 001.

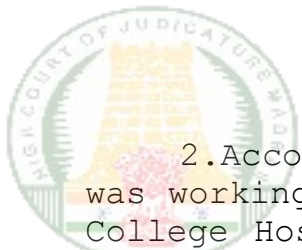
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to disburse the terminal benefits of the deceased Sundarambal to the petitioner without insisting him to obtain NOC from the fifth respondent.

For Petitioner	: Mr.M.Sankaralingam for Mr.R.Subramanian
For RR 1 to 4	: Mr.P.Subbaraj Government Advocate
For R - 5	: Mr.R.Sethuraman

ORDER

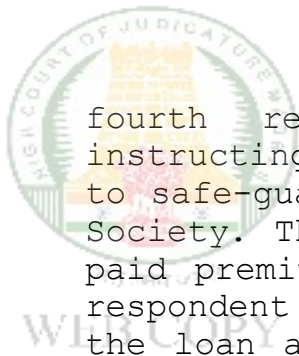
The petitioner has filed the present Writ Petition, to direct the respondents 1 and 2 to disburse the terminal benefits of the deceased Sundarambal to the petitioner without insisting him to obtain NOC from the fifth respondent.



2. According to the petitioner, while his mother-G.Sundarambal was working as watch-woman cum servant in Mannarkudi Government Girls College Hostel (BC), after 26 years of service, died on 23.07.2019. The fifth respondent is a Thrift and Credit Co-operative Society established for the welfare of the Revenue Officials working in the erstwhile Thanjavur District. The petitioner's mother was a member of the fifth respondent Society. She availed a surety loan of Rs.4,00,000/- from the fifth respondent Society. As per the loan agreement, the Society is entitled to recover monthly installments from the salary of the petitioner's mother. The second respondent, who was the pay drawing officer, had deducted installments from her salary as per the demand note raised by the fifth respondent Society. Based on the Circulars issued by the Registrar of Co-operative Societies, dated 28.10.2014 and the fourth respondent, dated 07.10.2016, every member of a Co-operative Society, who has availed the loan, has to join group insurance covering the loan period. If a member dies before re-paying the entire loan, the Insurance Company will pay the outstanding amount. As per the Circulars of the Registrar of the Co-operative Societies and the fourth respondent, the petitioner's mother joined in the group insurance offered by LIC for the loan amount covering the loan period. As per the group insurance, a premium amount of Rs.2,023/- was deducted for the year commencing from 13.04.2018. The petitioner's mother died on 23.07.2019, while group insurance was in force. The petitioner has sent a letter to the fifth respondent requesting them to close the loan account by enclosing the copy of the Death Certificate of his mother, legal heirship certificate and receipt, dated 04.06.2019, showing the payment of premium. While so, the fifth respondent sent a letter, dated 11.11.2019, requesting the second respondent to deduct a sum of Rs.3,27,071/- towards loan amount from the terminal benefits of the petitioner's mother. The petitioner explained about the group insurance taken by his mother. The second respondent sent a reply, dated 06.12.2019 to the fifth respondent, refusing to recover the amount, as the deceased had already availed the insurance scheme and paid the premium. In spite of the same, the respondents 1 and 2 are insisting the petitioner to get No Objection Certificate from the fifth respondent for payment of terminal benefits. The petitioner gave a representation, dated 08.01.2020, to the second respondent to disburse the terminal benefits of his mother by considering his representation and the same has not been considered so far. Hence, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent and perused the entire materials available on record.

4. From the materials available on record and the typedset of ~~same as filed in~~ support of the Writ Petition, it is seen that the



fourth respondent has issued a Circular, dated 07.10.2016, instructing all the Thrift Society to take a group insurance policy to safe-guard the interest of the Society as well as members of the Society. The petitioner's mother also joined in the said scheme and paid premium and filed receipts for payment of premium. The second respondent did not accept the claim of the fifth respondent to deduct the loan amount of Rs.3,27,071/- from the terminal benefits of the petitioner's mother, by reply, dated 06.12.2019. The second respondent is liable to settle all the terminal benefits of the petitioner's mother without insisting No Objection Certificate from the fifth respondent.

5.Considering the above facts, the petitioner is entitled for the relief sought for in the present Writ Petition and the respondents 1 and 2 are directed to settle all the terminal benefits of the petitioner's mother without insisting the petitioner to get No Objection Certificate from the fifth respondent, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

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<https://hcservices.ecourts.gov.in/hcservices/>



Ramani Nagar, Thanjavur - 613 007.

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Thrift and Credit Society Limited, T.1872,
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+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-24471[F]dated 29/07/2021)

+1 CC to M/s.R.SETHURAMAN, Advocate (SR-24472[F] dated 29/07/2021)

+1 CC to M/s.GP (SR-24944[F] dated 02/08/2021)

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