



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.10.2021**

**CORAM :**

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE**

**AND**

**THE HON'BLE MR.JUSTICE M.DURAI SWAMY**

**WA(MD) No.778 of 2019**

**and**

**C.M.P(MD)No.6896 of 2019**

- 1.The Principal Secretary to Government of Tamil Nadu,  
Housing and Urban Development,  
Secretariat,  
Chennai - 600 009.
  - 2.The Registrar of Cooperative Societies(Housing),  
Tamil Nadu Housing Board Building,  
Second Floor, Annex, Anna Salai,  
Nandanam, Chennai - 600 035.
  - 3.The Managing Director/Chairman,  
Tamil Nadu Cooperative Housing Federation,  
Vepery,  
Chennai - 600 007.
  - 4.The Deputy Registrar of Cooperative Societies, (Housing)  
Trichy.
  - 5.The President,  
Kulathur Taluk Cooperative Housing Society,  
Keeranur Post and Kulathur Taluk,  
Pudukkottai District.
- .. Appellants/Respondents

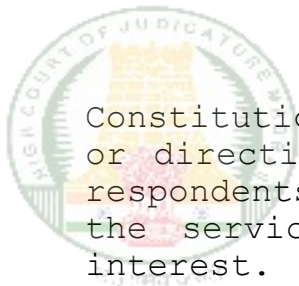
**Vs.**

Suriyanarayanan .. Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order of this Court made in W.P (MD)No.3034 of 2018, dated 28.02.2019.

**Prayer in WP(MD). 3034/ 2018 :**

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court to issue a Writ or order or direction in the nature of Writ of Mandamus thereby direct the respondents to settle the retirement benefits of the petitioner for the service rendered in the 5th respondents society, with 18 % interest.

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For Appellants : Mr.R.Baskaran  
Additional Advocate General  
for Mr.P.Thilakkumar  
Government Pleader

**JUDGMENT**

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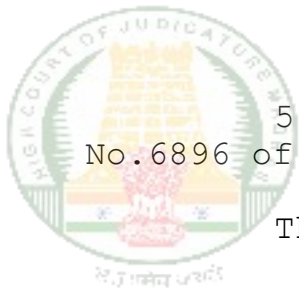
**[Judgment of the Court was delivered by  
The Hon'ble CHIEF JUSTICE]**

The grievance of the appellants is that by the order impugned dated February 28, 2019, all the appellants have been directed to pay interest at the rate of 8% per annum for the delayed release of the retiral dues of the writ petitioner-respondent.

2.It is submitted on behalf of the appellants that it was the fifth respondent before the Writ Court which was the employer and, as such, it is only the employer who is to be made liable for the delayed release of the retiral dues.

3.It is submitted by the writ petitioner that though the employer may be a Co-operative Housing Society, the funds to such society are released by the Federation and the delay in this case cannot be attributed only to the employer but must be attributed primarily to the Federation since it was a delay on the part of the Federation in releasing the payment that resulted in the petitioner remaining without any retiral dues for a considerable period of time.

4.Accordingly, the order impugned dated February, 28, 2019 is modified by making the Tamil Nadu Co-operative Housing Federation and the Kulathur Taluk Co-operative Housing Society, liable to ensure that the interest of 8% per annum as directed thereby is released to the petitioner as expeditiously as possible. The respondent Nos.1, 2 and 4 before the Writ Court are absolved of any obligation to pay the interest. However, such respondents should use their good offices to ensure that the interest in terms of the order is released as expeditiously as possible to the writ petitioner.



5.W.A(MD)No.778 of 2019 is disposed of. C.M.P(MD)  
No.6896 of 2019 is closed.

There will be no order as to costs.

Sd/-

Assistant Registrar (W)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM/MR

*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:

- 1.The Principal Secretary to Government of Tamil Nadu,  
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**W.A(MD)No.778 of 2019**  
**25.10.2021**

RD/PM (12.11.2021) 3P 5C