



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.17406 of 2021

WEB COPY

A.Thavamaniraj

... Petitioner

Vs.

1.The Joint Registrar,
Office of the Joint Registrar of Coop Societies,
Multi Department Complex,
Theni Collectorate Campus,
Theni Post,Theni District.

2.The Deputy Registrar,
Office of the Deputy Registrar of Coop Societies,
Thenkarai,
Vaigai Dam Road,
Periakulam Po,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent i.e., Joint Registrar of Cooperative Societies, Theni to sanction and settle the petitioner's personal benefit like special provident fund and encashment of earned leave salary for 240 days credit as on 30.04.2015 based on petitioner's representation dated 17.03.2021 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.S.Shanmugavel,
Standing Counsel for State.

ORDER

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, directing the 1st respondent i.e., Joint Registrar of Cooperative Societies, Theni to sanction and settle the petitioner's terminal benefits like Special Provident Fund and encashment of Earned Leave Salary for 240 days credit as on 30.04.2015 based on the petitioner's representation dated 17.03.2021.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



3.Heard, the learned counsel for the petitioner and the learned Standing counsel appearing for the respondents and perused the entire records.

4.According to the petitioner, he joined as Co-operative Senior Inspector on 22.08.1977 and later promoted as Cooperative Sub Registrar in the year 1992 and he was upgraded as Selection Grade Cooperative Sub Registrar in the year 2002. While so, the petitioner along with another, was proceeded with both criminal and departmental proceedings for the alleged misappropriation of the funds of the society. The criminal case in C.C.No.24 of 2011 was pending on the file of the Judicial Magistrate No.III, Madurai. The petitioner was also initiated with surcharge proceedings, which were set aside in the appeal by the learned Principal District Judge, Madurai in CMA (CS) No.18 of 2009. By proceedings dated 26.12.2014 of the 1st respondent, he was imposed with a punishment of 3 months increment cut without cumulative effect. Later, he attained the age of superannuation on 30.4.2015. The grievance of the petitioner is that he made representation dated 17.03.2021 seeking for disbursement of personal benefits, like encashment of earned leave salary for 240 days and special provident fund amount, but there was no response. Hence the Writ Petition.

5.The learned Standing counsel appearing for the respondents would submit that the representation of the petitioner if still is pending and the claim made by the petitioner is otherwise in order, the same would be considered and appropriate orders would be passed in accordance with law.

6.Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, without expressing any opinion on the merits of the claim of the writ petitioner, this Court directs the respondents to consider the petitioner's representation dated 13.07.2021 and pass appropriate orders in accordance with law and on merits, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Joint Registrar,
Office of the Joint Registrar of Coop Societies,
Multi Department Complex,
Theni Collectorate Campus,
Theni Post,Theni District.
- 2.The Deputy Registrar,
Office of the Deputy Registrar of Coop Societies,
Thenkarai,
Vaigai Dam Road,
Periakulam Po,
Theni District.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-30223[F] dated 24/09/2021)

+1 CC to M/s.SPL.GP (SR-30315[F] dated 27/09/2021)

W.P(MD)No.17406 of 2021
24.09.2021

MGJ(08.10.2021) 3P 5C