



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P(MD) No.19687 of 2021

WEB COPY

Mr.R.Kalaiyarasan

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, Periyar E.V.R. High Road,
N.V.Natarajan Maaligai,
Kilpauk, Chennai.

2.The Joint Registrar of Co-operative Societies,
O/o. The Joint Registrar of Co-operative Societies,
Tiruchirappalli Region,
Government Multistoried Building,
Kaajamalai,
Tiruchirappalli.

... Respondents

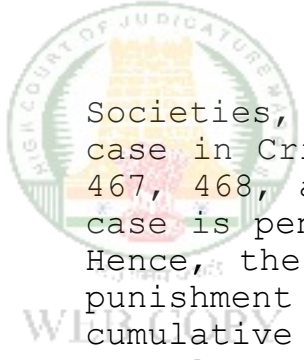
PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to disburse the General Provident Fund, Special Provident Fund, Encashment of Leave Salary and Death cum Retirement Gratuity (DCRG) within the time frame that may be stipulated by this Court.

For Petitioner	:	Mr.D.Shanmugaraja Sethupathi
For Respondents	:	Mr.S.Shanmugavel, Standing Counsel for State.

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to disburse the General Provident Fund, Special Provident Fund, Encashment of Leave Salary and Death cum Retirement Gratuity (DCRG).

2. According to the petitioner, he had been working as Senior Inspector in the office of the Deputy Registrar of Co-operative Societies, Musiri. While he was working as Special Officer in Y.M.76, Tamil Nadu Electricity Board Employees Co-operative Society, based on the complaint given by the Deputy Registrar of Cooperative



Societies, the Inspector of Police, CCIW, Trichy has registered a case in Crime No.4 of 2009 for the offence under Sections 408, 409, 467, 468, and 477(A) of the Indian Penal Code and the said criminal case is pending before the jurisdictional Judicial Magistrate Court. Hence, the petitioner was placed under suspension and was imposed punishment of stoppage of increment for a period of 5 years without cumulative effect and the said punishment was modified as 3 years on appeal. Subsequently, he attained the age of superannuation on 31.05.2016. However, the respondents have not allowed the petitioner to retire from service, due to the pendency of the criminal proceedings. The grievance of the petitioner is that the respondents have not disbursed the retirement benefits payable to the petitioner till date. Hence, the petitioner made a representation on 12.10.2021, seeking to disburse the monetary benefits viz., General Provident Fund, Special Provident Fund, Death Cum Retirement Gratuity (DCRG) and the Earned Leave Salary. Since the same was not considered by the respondents, the petitioner has filed this Writ petition.

3. The learned counsel appearing for the petitioner relying upon the decision of the Hon'ble Division Bench of this Court in **W.A. (MD) No.105 of 2019, dated 31.07.2019 [The Secretary to Government, Revenue Department Vs. K.Palaniyandi]** and also the decision of this Court in **W.P. (MD) No.518 of 2017, dated 19.06.2019 [P.Subramanian Vs. The Director, Medical and Rural Health Services, Chennai]** submitted that the petitioner is entitled for the monetary benefits as prayed for in the Writ Petition.

4. The learned Standing Counsel for State appearing for the respondents would submit that the petitioner has made the representation only on 12.10.2021. However, the authority will consider the petitioner's representation and pass appropriate orders in accordance with the relevant Rules.

5. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for State appearing for the respondents and perused the materials available on record.

6. On perusal of the records, it is seen that the petitioner has given representation only on 12.10.2021 and without waiting for reasonable time, the petitioner approached this Court for getting the relief as prayed in the Writ Petition. However, considering the nature of the relief sought for in this writ petition, this Court directs the respondents to consider the representation of the petitioner dated 12.10.2021, by taking note of the aforesaid judgment of the Hon'ble Division Bench of this Court in **W.A. (MD) No.105 of 2019, dated 31.07.2019** and also the decision of this Court in **W.P. (MD) No.518 of 2017, dated 19.06.2019** and pass orders as expeditiously as possible.



7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)

vsm

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 Registrar of Co-operative Societies,
No.170, Periyar E.V.R. High Road,
N.V.Natarajan Maaligai,
Kilpauk, Chennai.

2.The Joint Registrar of Co-operative Societies,
O/o. The Joint Registrar of Co-operative Societies,
Tiruchirappalli Region,
Government Multistoried Building,
Kaajamalai,
Tiruchirappalli.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-33582[F] dated 02/11/2021)

+1 CC to M/s.SPL.GP (SR-33517[F] dated 02/11/2021)

W.P(MD) No.19687 of 2021
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MGJ/JGB(17.11.2021) 3P 5C