



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No.13766 of 2018

WEB COPY

M.Packiam

...Petitioner

/Vs./

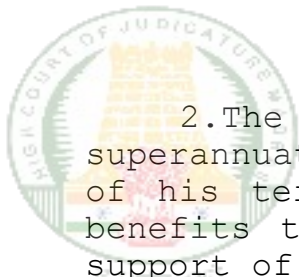
- 1.The Registrar of Cooperative Societies,
E.V.R.Periyar Maligai,
Kilpauk, Chennai - 02.
 - 2.The Regional Joint Registrar,
Office of the Cooperative Joint Registrar,
Collectorate Campus,
Sivagangai, Sivagangai District.
 - 3.The Deputy Registrar,
Office of the Cooperative Deputy Registrar,
Opposite to Municipal Park,
Karaikudi, Sivagangai District.
 - 4.The Secretary,
NN 572, Primary Agricultural Cooperative Credit Society,
Natarajapuram,
Karaikudi Taluk,
Sivagangai District.
- ...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to instruct the 3rd and 4th respondents to disburse the terminal benefits within the timeframe that may be stipulated by this Court.

For Petitioner : Mr.R.Murugan
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The petitioner seeks a mandamus directing the first and second respondents, the Registrar of Co-operative Societies/R1 and the Regional Joint Registrar/R2 to in turn, instruct the Deputy Registrar and the Secretary of NN 572 Primary Agricultural Co-operative Credit Society/R3 & R4 respectively, to disburse terminal benefits due to him within a fixed timeframe.



2.The petitioner, who was working as Salesman in R4, superannuated on 31.12.2007 claims that he has not been in receipt of his terminal benefits till date. He has listed the terminal benefits that he claims are due to him in the affidavit filed in support of this writ petition as follows:

Contents	Amount
a) My revised salary P.M. (Basic pay Rs.2500/- dearness allowance 91% of basic pay Rs.2275/-, HRA 10% of basic pay Rs.250/- and Provident Fund Contribution 12% of Basic pay + Dearness allowance = 573)	Rs.5598/-
b) Arrears of salary for 95 days is (revised salary Rs.5598/- - pre-revised salary Rs.3,550/- = 2048/- * 95/365 = 6349/-)	Rs.6349/-
c) Gratuity (2500+2275=4775*17*15/26 = 46,831)	Rs.46,831/-
d) 240 days earned leave Encashment (4775/30=159*240=Rs.38,200/-)	Rs.38,200/-
e) 90 days for unearned leave of private affairs	Rs.14,325/-
Total dues	<u>Rs.1.05.705/-</u>
f) Interest on delayed payment for 11 years at the rate of 12% per annum	Rs.1,39,530/-
g) Interest on misappropriated gratuity of Rs.29705/- @ 24% per annum for 7 yrs	Rs.49,903/-
h) Minimum eligible pension (approximate Rs.1500/- PM for 11 years) (1500*12%*11 years)	
Total sum payable	<u>Rs.4.93.138/-</u>

3.Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for all the respondents has filed a counter and disputes the entitlement of the petitioner to the amounts claimed on all heads as aforesaid, on various grounds including that his services were not regularized, barring that set out in Clause (d), being earned leave encashment for 240 days of Rs.38,200/-. Let the amount as aforesaid be paid over to the petitioner, within a period of six weeks from the date of uploading of the order upon the official website of this Court.



4.The proper authority to look into the petitioner's claims, barring that in Clause (d) would be the Deputy Commissioner (Labour), as regards claims (a), (b), (f), (g) & (h) and the Labour Court / Deputy Commissioner (Labour) as applicable, as regards claims (c), (d) & (e).

5.Since the claims are substantially delayed, even as of now, the petitioner is permitted to avail the aforesaid benefit of putting forth the claims before the concerned authorities, within a period of six weeks from date of uploading of this order upon the official website of this Court, failing which he forfeits such right.

7.This Writ Petition is disposed as above. No costs.

Sd/-

Assistant Registrar (AD-II)

// 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 Registrar of Cooperative Societies,
E.V.R.Periyar Maligai,
Kilpauk,
Chennai - 02.
- 2.The Regional Joint Registrar,
Office of the Cooperative Joint Registrar,
Collectorate Campus,
Sivagangai,
Sivagangai District.
- 3.The Deputy Registrar,
Office of the Cooperative Deputy Registrar,
Opposite to Municipal Park,
Karaikudi,
Sivagangai District.



4.The Secretary,
NN 572, Primary Agricultural Cooperative Credit Society,
Natarajapuram,
Karaikudi Taluk,
Sivagangai District.

5.The Deputy Commissioner of Labour,
Sivagangai District.

6.The Labour Court,
Sivagangai.

+1 CC to M/s.R. MURUGAN, Advocate (SR-35830[F] dated 25/11/2021)

+1 CC to M/s.SPL GP (SR-35877[F] dated 25/11/2021)

Order made in
W.P.(MD)No.13766 of 2018

Dated:
24.11.2021

PS (CO)
GC/SKN(25.11.2021) 4P 9C