



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

Writ Petition (MD)No.1920 of 2016

R.Kumaresan

... Petitioner

Vs.

1.The Special Officer,
A2936 Primary Agriculture Co- operative Society,
Sholavanthan, Vadipatti Taluk,
Madurai District.

2.The Secretary,
A2936 Primary Agricultural Co-operative Society,
Sholavanthan, Vadipatti Taluk,
Madurai District.

3.The Deputy Registrar of Co-operative Societies,
Old R.D.C.C. Bank,
Krishnarayar,
Theppakulam,
Madurai District.

4.The Joint Registrar of Co-operative Societies,
Kanaga Apartments,
Chinna Chokkikulam,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to disburse the arrears of salary of the petitioner within a period as stipulated by this Court.

For Petitioner : Mr.D.Ghandiraj

For R2 : Mr.S.Seenivasagam

For R3 and R4 : Mr.B.Bhagavathi
Government Advocate



O R D E R

This writ petition has been filed for a direction to the respondents to disburse the arrears of salary to the petitioner.

2. The case of the petitioner is that he joined as Assistant in the first respondent Society on 15.07.1979 and worked for a period of 28 years and retired from service as Senior Clerk in the year 2007. The first respondent has paid salary to the petitioner till 2003 and thereafter, he has not paid salary to the petitioner till his retirement. Apart from that, the petitioner is entitled to get gratuity. In order to avail such benefits, the petitioner has made a representation to the first respondent, on 15.12.2012. However, till date no order was passed. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the first respondent to pay retirement benefits, gratuity and other benefits to the petitioner within a stipulated period as fixed by this Court.

4. The learned counsel appearing for the second respondent would submit that due to financial crisis, the respondents have not paid the amount to the petitioner and there are dues to four retired employees to the tune of Rs.17.21,927/-. Further, the petitioner has to pay a sum of Rs.1,47,458/- to the Employees' Credit Society on a loan secured by him and till date, the said amount was not paid.

5. Admittedly, the petitioner entered into service in the year 1979 and retired from service in the year 2007. It appears that certain benefits were settled to the petitioner in between 2004 and 2007 and the balance amount including gratuity was not settled to the petitioner. Hence, this Court is inclined to direct the first respondent to settle the eligible terminal benefits in favour of the petitioner, after deducting the loan amount if any from the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv



To

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+1 CC to M/s.D.GANDHIRAJ, Advocate (SR-13730[F] dated 25/03/2021)

+1 CC to SPL GP (SR-13871[F] dated 26/03/2021)

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RRS (11.05.2021) 3P 7C