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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 5003 of 2022

R. Ramamorthy

... Petitioner

-vs-

1. The Joint Registrar of Co-operative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.
2. The Deputy Registrar of Co-operative Societies,
Chindambaram Circle, Chindambaram,
Cuddalore District.
3. The President,
E.2601, Erumbur Primary Agricultural
Co-op Credit Society,
Erumbur Village & Post - 608 704,
Bhuvanagiri Taluk,
Cuddalore District.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to disburse the balance retirement benefits to the tune of Rs. 1,40,271/- together with 10% interest from date of Petitioner retirement on 30.09.2010.

For Petitioner : Mr. C.Prakasam

For Respondents : Mrs. S.Anitha,
Special Government Pleader (Co-op)

O R D E R

Heard Mr. C.Prakasam, Learned Counsel for the Petitioner and Mrs. S.Anitha, Learned Special Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.



2. The Writ Petition has been filed for directing the Respondents to disburse the terminal benefits of the Petitioner to the extent of Rs. 1,40,271/- with interest at the rate of 10% per annum from 30.09.2010 when he retired from service.

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3. Learned Counsel for the Petitioner states that the Petitioner would be satisfied if orders are directed to be passed by the Respondents on the representation dated 22.08.2021 made by the Petitioner for such relief before the filing of the Writ Petition.

3. Having regard to the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, disposes the Writ Petition on the following terms:-

- (i) it shall be incumbent upon the Respondents to immediately examine the representation dated 22.08.2021 made by the Petitioner;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (iv) if the Petitioner is found entitled to the claim made, the eligible amount of arrears of monetary benefits shall be disbursed within a period of 30 days from the date of passing of that order;
- (v) the report of completion of the aforesaid exercise shall be filed by 31.05.2022 before the Registrar (Judicial) of this Court; and



(vi) there shall be no order as to costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skr

To

1. The Joint Registrar of Co-operative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.
2. The Deputy Registrar of Co-operative Societies,
Chindambaram Circle, Chindambaram,
Cuddalore District.
3. The President,
E.2601, Erumbur Primary Agricultural
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Erumbur Village & Post - 608 704,
Bhuvanagiri Taluk,
Cuddalore District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to the Government Pleader, S.R.No.15510

W.P. No. 5003 of 2022

SSD[co]
NSK 05/04/2022