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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.7071 OF 2022

G.Sridhar

...Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Nagapattinam Region, Nagapattinam,
Nagapattinam District.

2.The Deputy Registrar of Co-operative Societies,
Nagapattinam Circle, Nagapattinam,
Nagapattinam District.

3.The President, Z274, Thiruvidadaimaruthur Primary
Agricultural Co-operative Credit Society Ltd.,
Arunthavampulam, Thirukuvalai Taluk,
Nagapattinam District.

...Respondents

Prayer : Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the respondents to disburse the petitioner's entire terminal benefits like Gratuity, Provident Fund and Earned Leave Salary as per U/s.78 and 79 of Tamil Nadu Coop. Societies Act, 1983 to the petitioner along with salary for the period of nine months and subsistence allowance from 03.10.2018 to 06.02.2019 within stipulated time as fixed by this Court.

For Petitioner : Mrs.R.Hemalatha

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

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

2. This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's entire terminal benefits and to pay Subsistence Allowance from 03.10.2018 to 06.02.2019.



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3. The case of the petitioner in brief:

The petitioner was appointed as Attender in the third respondent society on 07.03.1994 and subsequently he was promoted upto the post of Secretary. In the year 2018, he was suspended from service and an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act was ordered against the petitioner for misappropriation and punishment was imposed upon him stopping three months increments. Thereafter, he was reinstated into service on 06.02.2019. However, from 03.10.2018 to 06.02.2019, he was not paid any Subsistence Allowance and further he was not paid salary from 01.05.2018 till the date of his retirement on 30.04.2019 and also he was not allowed to retire, since criminal case is pending. In the year 2020, the petitioner was acquitted from the criminal case and thereafter, he made several representations to disburse retirement benefits. But on 22.01.2022, the respondents insisted the petitioner to pay Rs.21,91,707, as audit objections for the period from 2016 to 2019. Till the date of filing writ petition, no enquiry was ordered by the third respondent, based on the audit objection. Hence this writ petition.

4. The learned Government Pleader submitted that, if the petitioner is eligible, and he placed all the documents to prove that he was acquitted from the criminal case, his case will be considered by the authorities concerned and orders will be passed in accordance with law.

5. In the light of the above submission and also considering the facts and circumstances of the case, without expressing any opinion on merits, this court is inclined to pass the following order.

i) The first respondent is directed to consider the representation of the petitioner and pass orders on its own merits, in accordance with law, as early as possible, within a period of 12 weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mst



To

1.The Joint Registrar of Co-operative Societies,
Nagapattinam Region,
Nagapattinam,
Nagapattinam District.

2.The Deputy Registrar of Co-operative Societies,
Nagapattinam Circle,
Nagapattinam,
Nagapattinam Distict.

3.The President, Z274,
Thiruvidadaimaruthur Primary Agricultural Co-operative
Credit Society Ltd.,
Arunthavampulam, Thirukuvalai Taluk,
Nagapattinam District.

+1cc to M/s.R.Hemalatha, Advocate, Sr.No.19854

+1cc to the Government Pleader, Sr.No.20315

W.P.No.7071 of 2022

PMK (CO)
RVM(07/04/2022)