



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Tuesday, the Fourteenth day of June Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE D.KRISHNAKUMAR

WMP.Nos.9414 and 8973 of 2022

in WP.Nos.9671 & 9219 of 2022

A.R.SEKAR [PETITIONER in WMP.9414/2022]

N.RAJENDRAN [PETITIONER in WMP.8973/2022]

Vs

THE JOINT REGISTRAR OF [1st RESPONDENT in BOTH THE
CO-OPERATIVE SOCIETIES, PETITIONS]
TIRUVANNAMALAI REGION,
TIRUVANNAMALAI DISTRICT.

THE MANAGEMENT, [2nd RESPONDENT in WMP.9414/2022]
H.H.498, NADALAGANANDAL PRIMARY AGRICULTURAL
COOPERATIVE CREDIT SOCIETY,
CHENGAM TALUK,
TIRUVANNAMALAI DISTRICT.

THE MANAGEMENT [2nd RESPONDENT in WMP.8973/2022]
H.H.,581 KILPANNATHUR PRIMARY AGRICULTURAL
CO-OPERATIVE CREDIT SOCIETY,
KILPANNATHUR, KILPANNATHUR CIRCLE,
TIRUVANNAMALAI DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondents to pay petitioner retirement benefits Gratuity of Rs.8,41,292 and Leave encashment of Rs.3,46,912 Totally Rs.11,88,204/- (WMP.No.9414/2022)pending disposal of the above WP.9671/2022

(2)To direct the respondents to pay petitioner's retirement benefits Gratuity of Rs.6,77,371/- and Leave encashment of Rs.3,26,696 - Totally Rs.10,04,067/- (WMP.No.8973/2022)pending disposal of the WP.No.9219/2022



Order : These petitions coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.L.P.SHANMUGASUNDARAM, Advocate for the petitioner in both the petitions and of M/S.P.GANESAN, Government Advocate on behalf of the 1st Respondent, the court made the following order:-

These Miscellaneous Petitions are filed seeking direction to the respondents to pay retirement benefits viz., Gratuity and Leave encashment to the petitioners pending disposal of the above writ petitions.

According to the learned counsel appearing for the petitioner, in the light of the catena of judgments passed by the Hon'ble Supreme Court and this Court, the petitioners are entitled for retirement benefits viz., Gratuity and Leave encashment. The learned counsel for the petitioner has further submitted that surcharge proceedings have been initiated against the petitioners u/s. 87 of the Tamil Nadu Cooperative Societies Act and the same has been set aside by the Cooperative Tribunal, therefore that order has become final, therefore the 2nd respondent under the guise of pendency of criminal proceedings cannot retain the petitioners' terminal benefits.

On the other hand, the learned Government Advocate appearing for the respondent-Society has submitted that since the criminal cases are pending against the petitioners in C.C.No. 180/2015 & 186 of 2015 on the file of Judicial Magistrate -II, Tiruvannamalai, the petitioners are not entitled for gratuity amount in the light of the decision of the Hon'ble Division Bench of this Court **reported in 2020 (1) CWC 42 in the case of State of Tamil Nadu Vs. Mahalingam**, and the petitioners are entitled only for encashment of Earned Leave.

Considering the facts and circumstances of the case and in view of the decision of the Hon'ble Division Bench of this Court **(Mahalingam's case)** cited supra, this Court directs the respondent to pay the leave encashment amount to the petitioners as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this Order. Insofar as payment of gratuity amount to the petitioners is concerned, the same can be decided at the time of final disposal of the writ petitions.

With the above directions, these Miscellaneous Petitions are closed.



Registry is directed to list the writ petitions on 19.07.2022 for final disposal.

WEB COPY

-sd/-
14/06/2022

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
TIRUVANNAMALAI REGION,
TIRUVANNAMALAI DISTRICT.

2 THE MANAGEMENT,
H.H.498, NADALAGANANDAL PRIMARY AGRICULTURAL
COOPERATIVE CREDIT SOCIETY,
CHENGAM TALUK,
TIRUVANNAMALAI DISTRICT.

3 THE MANAGEMENT
H.H., 581 KILPANNATHUR PRIMARY AGRICULTURAL
CO-OPERATIVE CREDIT SOCIETY,
KILPANNATHUR, KILPANNATHUR CIRCLE,
TIRUVANNAMALAI DISTRICT.

COPY TO

THE JUDICIAL MAGISTRATE -II,
TIRUVANNAMALAI

+2 C.C. to M/S.L.P.SHANMUGASUNDARAM Advocate SR.NO.4542,4543/2022

Order
in
WMP.Nos.9414 and 8973 of 2022
in WP.Nos.9671 & 9219 of 2022

Date :14/06/2022

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
GS(22/06/2022)