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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **19.10.2022**

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.16455 of 2021

D.Govindarajalu ... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram,
Villupuram District.

2.The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram,
Villupuram District.

3.The President,
C.L.SPL.Kedar Primary Agricultural Cooperative Credit Society,
Kedar Village & Post - 605 402,
Villupuram Taluk, Villupuram District. ... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

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For Respondents : Mr.G.Ameedius
Government Advocate
for R1 and R2

Mr.N.R.R.Arun Natarajan
Assisted by
G.Sarath Babu
for R3

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to disburse the Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs to the petitioner.

2. A counter affidavit has been filed by the second respondent stating that surcharge proceedings are pending against the petitioner for the irregularities committed by him and that is the reason for non payment of the amounts claimed in this Writ Petition by the petitioner.

3. It is now brought to the notice of this Court by the learned counsel appearing for the third respondent that a sum of Rs.3,17,744/- was due and payable by the petitioner as per the surcharge proceedings and out of the said amount, the petitioner has paid only a sum of Rs.1,26,085/-.

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Admittedly, after adjusting the dues payable to the third respondent i.e., a sum of Rs.1,91,659/-, there is no legal bar for the third respondent to pay the balance amount to the petitioner from and out of Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs.

4. The learned counsel for the petitioner on instructions would now submit that the petitioner will be satisfied for the present, if the balance amount after adjustment of the dues payable to the third respondent is paid to the petitioner within a time frame to be fixed by this Court and liberty is granted to the petitioner to challenge the surcharge amount if so aggrieved in the manner known to the petitioner under law.

5. No prejudice would be caused to the respondents if the aforementioned direction is issued to the third respondent. The learned counsel appearing for the third respondent has also not raised any serious objection for issuing such a direction by this Court.

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6. For the foregoing reasons, this Writ Petition is disposed of by directing the third respondent to adjust a sum of Rs.1,91,659/- which according to them is due and payable by the petitioner and after adjustment of the said amount, the third respondent is directed to pay the balance amount outstanding due to the petitioner towards Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this Writ Petition is disposed of. No Costs.

19.10.2022

Index : Yes/No
Speaking Order : Yes / No
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To

1.The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram,
Villupuram District.

2.The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram,
Villupuram District.

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ABDUL QUDDHOSE. J.,

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