



W.A.No.2282 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and
The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.A.No.2282 of 2022
and
C.M.P. No.17416 of 2022

The President,
Villipakkam Primary Agriculture Cooperative
Credit Society, Villipakkam Village,
Soonampedu Post, Cheyyur Taluk,
Chengalpet District – 603 401.

.. Appellant

vs

1.G.Selvi

2.The Joint Registrar of Co-operative
Societies/Revision Authority,
Kancheepuram Zone, Kancheepuram.

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order
dated 21.09.2021 in W.P.No.20139 of 2021.

For Appellant : Mr.P.Dinesh Kumar

For Respondents : Mr.Balan Haridas for R1
Mr.M.Rajendran,
Addl. Govt. Pleader for R2



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JUDGMENT

(Delivered by PARESH UPADHYAY.,J)

1. Challenge in this appeal is made to the order dated 21.09.2021 recorded on W.P. No.20139 of 2021. This appeal is by the second respondent in the writ petition.

2. Learned advocate for the appellant has submitted that, once the direction contained in the order of learned Single Judge is complied with, it would be very difficult for the appellant to recover the amount which is already quantified to be recovered from the husband of the writ petitioner and therefore the order be interfered with.

3. Having heard learned advocate for the appellant and having considered the material on record this Court finds that, this is a second round of litigation. The husband of the writ petitioner had died on 01.08.2019 and none of the terminal dues, even gratuity and provident fund were paid for simple reason of pendency of some surcharge proceedings and therefore by filing W.P.No.9169 of 2021, grievance was voiced. This Court directed the State Authorities to



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pass appropriate order in accordance with law. That order has subsequently been passed by the Joint Registrar of Co-operative Societies/ Revisional Authority under the Act on 19.05.2021 by which it was directed that, the terminal dues of the deceased employee / husband of the writ petitioner shall be paid. So far recovery aspect is concerned, it was left to the appellant / second respondent employer to take recourse to other remedies available under law. It is this order, which binds the second respondent, which it has not challenged, and which was sought to be enforced by the writ petitioner/ widow and for that purpose also she was constrained to approach this Court again by filing W.P. No.20139 of 2021.

3.1 We find that it was very harsh to expect the widow to seek mandamus from this Court to get the order passed by the State authorities implemented through the State Authorities. In any case that order is now passed by learned single Judge against the State Authorities to get the order passed by it implemented. The State is not in appeal and rightly so.

3.2 We note that the State cannot be heard contending its helplessness to get its order implemented. Needful therefore needs to



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be done by the State Authorities.

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4. We do not find any infirmity in the order of learned single Judge. This appeal therefore needs to be dismissed.

5. For the reasons recorded above, this appeal is dismissed. No costs. However by recording simple dismissal of this appeal the widow need not be left in lurch.

6. List on 07.11.2022 for reporting compliance of the order passed by the State Authorities dated 19.05.2021 and the order of learned single Judge dated 21.09.2021.

(P.U., J) (D.B.C., J)
14.10.2022

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To

The Joint Registrar of Co-operative
Societies/Revision Authority,
Kancheepuram Zone, Kancheepuram.



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**PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.**

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