



WEB COPY



W.P.No.27892 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27892 of 2022

B.Sridharan

... Petitioner

Versus

1. The Chairman,
Common Cadre Authority/
Joint Registrar of Cooperative Societies,
Kallakurichi Region at Villupuram,
Collectorate, Villupuram.

2. The Deputy Registrar of Cooperative Societies,
Thirukoilur Circle, Tirukoilur-605 766.
Kallakurichi District.

3. The President,
I.I.668, Kiliyur Primary Agricultural Cooperative Credit Society,
Kiliyur Village & Post - 606 102.
Ulundurpet Taluk, Kallakurichi District

... Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to disburse the petitioner's retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs.



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For Petitioner : Mr.C.Prakasam

For Respondents : Mr.G.Ameedius
Government Advocate
For R.1 and R.2
Mr.E.Sundaram
Government Advocate
For R.3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to disburse the petitioner's retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Leave and Encashment of Unearned Leave on Private Affairs to the petitioner based on his representation dated 02.05.2022 within a time frame to be fixed by this Court.

2.The petitioner claims that he has been superannuated from service on 30.06.2018, but, despite the same, till date, his retirement benefits, referred to supra, have not been paid. In such circumstances, the petitioner has given a representation on 02.05.2022 to the respondents. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.C.Prakasan, learned counsel for the petitioner and Mr.G.Ameedius, learned Government Advocate accepts notice on behalf of the



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respondents 1 and 2 and Mr.E.Sundaram, learned Government Advocate

accepts notice on behalf of the third respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. The petitioner also categorically contends in the affidavit filed in support of the writ petition, that as on date, no surcharge proceedings and criminal proceedings have been initiated against the petitioner and there is no bar for the respondents to pay the aforementioned benefits to the petitioner. It is for the respondents to consider the same on merits and in accordance with law.

5. No prejudice would be caused to the respondents if the petitioner's representation, referred to supra, is considered on merits and in accordance with law within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the third respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 02.05.2022, seeking for disbursement of petitioner's retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Leave and Encashment of Unearned Leave on Private

ABDUL QUDDHOSE, J.



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Affairs within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, the writ petition is disposed of. No costs.

19.10.202

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sr

Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Chairman,
Common Cadre Authority/
Joint Registrar of Cooperative Societies,
Kallakurichi Region at Villupuram,
Collectorate, Villupuram.
2. The Deputy Registrar of Cooperative Societies,
Thirukoilur Circle, Tirukoilur-605 766.
Kallakurichi District.
3. The President,
I.I.668, Kiliyur Primary Agricultural Cooperative Credit Society,
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