



WEB COPY



W.P.No.29153 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29153 of 2022

V. Elangovan

... Petitioner

Vs.

1.The Registrar,
Co-operative Societies,
N.V. Natarajan Maligai,
No.170, E.V.R. Periyar High Road,
Kilpaukkam, Chennai – 10.

2.The Joint Registrar,
Office of the Joint Registrar Co-operative Society,
Arockiyasamy Street,
Saibaba Colony, K.K. Puthur,
Coimbatore – 641 038.

3.Deputy Registrar,
Co-operative Societies (Housing)
Coimbatore – 02.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents authorities to dispose of the petitioner's representation dated 03.09.2022 in the light of G.O.Ms.No.122 dated 20.02.1995 issued by the Finance Department (Pension) within such time as may be stipulated by this Court.



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For Petitioner : Mr.M. Sudhan

For Respondents : Mr.G. Ameedius,
Government Advocate

ORDER

This Writ petition has been filed for a Mandamus seeking for a direction to the respondents to pass final orders in the petitioner's representation dated 03.09.2022 in the light of G.O.Ms.No.122 dated 20.02.1995 issued by the Finance Department (Pension), within a time frame to be fixed by this Court.

2. Heard the learned counsel for the petitioner. Mr.G. Ameedius, learned Government Advocate, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that earlier, surcharge proceedings were initiated against him and by an order dated 19.07.2021 passed in C.M.A.No.21 of 2017 by the Principal Sessions Judge, Tiruppur, the said proceedings were quashed. According to the petitioner, he retired from service in the year 2013 itself but



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till date, his retirement and death benefits have not been paid despite the fact that the surcharge proceedings have been quashed. He has given a representation on 03.09.2022 seeking for payment of the retirement benefit together with interest and he has relied upon G.O.Ms.No.122 dated 20.02.1995 for the purpose of claiming interest. Since the representation has not been considered till date, he has filed this Writ Petition.

4. The learned Government Advocate appearing for the respondents, after referring to the proceedings dated 28.02.2013 of the respondents, would submit that 2nd surcharge proceedings have been initiated against the petitioner. The said statement made by the learned Government Advocate is recorded.

5. However, this Court is of the considered view that no prejudice will be caused to the respondents if the petitioner's representation dated 03.09.2022, referred to supra, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

ABDUL QUDDHOSE,J.

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6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 03.09.2022 seeking for payment of retirement benefits together with interest issued by the Finance Department (Pension), within a period of twelve (12) 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.

04.11.2022

Index: Yes/No

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To

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