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W.P.No.31387 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31387 of 2022

S. Elumalai

.. Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram District.
- 2.The Deputy Registrar of Co-operative Societies,
Thirukkivilur Circle,
Villupuram District.
- 3.The Management of
E-1503, Arakandanallur Primary Agricultural Co-operative
Credit Society,
Rep. by its President/Secretary,
Arakandanallur,
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to pay the petitioner's retirement benefits namely Employee Provident Fund of Rs.3,06,873/-, Gratuity of Rs.9,74,238/- and Leave Encashment of Rs.3,78,832/- with interest 10% Rs.55,237/- and a total amount of



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Rs.17,15,158/- with 10% statutory interest from the date of retirement i.e. 31.07.2022 till the payment is made within stipulated time fixed by this Court.

For Petitioner : Mr.L.P. Shanmugasundaram

For Respondents : Mr.G. Ameedius,
Government Advocate [R1 & R2]

Mr.C. Sathish,
Government Advocate [R3]

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to pay the petitioner's retirement benefits namely Employee Provident Fund of Rs.3,06,873/-, Gratuity of Rs.9,74,238/- and Leave Encashment of Rs.3,78,832/- with interest based on the petitioner's representation dated 20.09.2022, 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 first and second respondents and Mr.C. Sathish, learned Government Advocate, accepts notice on behalf of the third respondent. By consent of both the



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parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner contends that he retired from service on 31.07.2022 but till date, his retirement benefits have not been paid by the respondents. The petitioner also contends that on the date of his retirement, no disciplinary or surcharge proceedings were pending against him. The petitioner has given a representation dated 20.09.2022, seeking for disbursement of the retirement benefits to him. Since his representation has not been considered till date, he has filed this Writ Petition.

4. The learned Government Advocates appearing for the respondents, on instructions in unison, would submit that the petitioner has misappropriated funds and only due to the said reason, the petitioner has not been paid his retirement benefits. The same is disputed by the learned counsel appearing for the petitioner.

5. The petitioner also relies upon the judgment of the Division Bench of this Court dated 08.02.2019 passed in W.A.No.1466 of 2015 to



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substantiate his case. It is for the respondents to consider whether it supports the claim of the petitioner or not in the final orders to be passed by them pursuant to the directions given by this Court today.

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

7. For the foregoing reasons, this Court directs the second and third respondents to pass final orders on merits and in accordance with law on the petitioner's representation dated 20.09.2022, seeking for disbursement of his retirement benefits, within a period of twelve (12) weeks from the date of receipt of a copy of this order. While passing the final orders, the second and third respondents shall give due consideration to the judgment of the Division Bench of this Court dated 08.02.2019 passed in W.A.No.1466 of 2015, which the petitioner relies upon and decide as to whether the same is applicable to the case of the petitioner or not. The petitioner is directed to enclose a copy of the Division Bench judgment dated 08.02.2019 passed in W.A.No.1466 of 2015 along with the copy of this order, to the second and



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third respondents, to enable them to consider the same in the final orders to be passed by them pursuant to the directions given by this Court today.

8. Accordingly, the Writ Petition stands disposed of. No costs.

24.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

- 1.The Joint Registrar of Co-operative Societies,
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Villupuram District.
- 2.The Deputy Registrar of Co-operative Societies,
Thirukkivilur Circle,
Villupuram District.
- 3.President/Secretary,
The Management of
E-1503, Arakandanallur Primary Agricultural Co-operative
Credit Society,
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ABDUL QUDDHOSE,J.

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