



W.P(MD)No.12889 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12889 of 2019

and

W.M.P(MD)No.9598 of 2019

M.Dhanasekaran

... Petitioner

Vs

1.The Joint Registrar of Co-operative Societies,
Madurai Region,
Madurai.

2.The Deputy Registrar of Co-operative Societies,
Madurai Range,
Madurai.

3.The Board of Directors,
A.2944, Rasakoor Primary Agriculture
Credit Co-operative Society,
Rasakoor,
Madurai District.

4.The President,
A.2944, Rasakoor Primary Agriculture
Credit Co-operative Society,
Rasakoor,
Madurai District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.274/2017/Na.Ve. dated 03.05.2019 and to quash the same as illegal and consequently, direct the respondents to disburse the petitioner's retirement benefits sum of Rs.4,00,161/- within a time frame as fixed by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.S.Shnamugavel
Additional Government Pleader for R.1 to R.3

Mr.Aayiram.K.Selvakumar for R.4

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was employed as Secretary of the fourth respondent Society. He voluntarily retired from Service on 31.03.2017. His request for voluntarily retirement was very much accepted. All that the petitioner seeks is payment of the retirement benefits. His request was disposed of by the impugned Memorandum dated 03.05.2019 by stating that since proceedings under Section 82 of the Tamil Nadu Co-operative Societies Act were pending, based on their outcome, a decision will be taken regarding disbursement. The said communication is put to challenge in this Writ Petition.



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3. I am not able to accept the stand taken in the impugned Memorandum.

Admittedly, the writ petitioner was allowed to retire. It is not as if any proceedings was issued for withholding the retirement benefits. Two years later, it has been stated that in view of the pendency of the inspection proceedings, disbursement of the retirement benefit will be deferred.

4. The writ petition was filed wayback in the year 2019. We are now in September 2022. It is not known as to what happened to the inspection proceedings.

5. In these circumstances, I hold that the petitioner has made out a case for grant of relief. The petitioner is not asking for any charity. After serving the Society for quite a few decades, he is asking for what is ultimately due to him. When once the writ petitioner was allowed to retire and there was nothing adverse on the date of his retirement, the Management cannot withhold the retirement benefits.

6. In this view of the matter, the respondents 3 and 4 are directed to settle the petitioner's retirement benefits within a period of eight weeks from the date of receipt of a copy of this order. I consciously refrain from quantifying the



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benefits. This writ petition is allowed on these terms. Consequently, connected miscellaneous petition is closed. No costs.

19.09.2022

Index : Yes / No
Internet : Yes/ No
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To

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Madurai.
- 3.The Board of Directors,
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G.R.SWAMINATHAN, J.

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