



WP(MD)No.3785 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.3785 of 2019

A.Amuthan

... Petitioner

/vs./

- 1.The Secretary to Government,
Housing and Urban Development,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Registrar (Housing)
Co-operative Housing Society,
48, Ritherdon Road,
Vepery, Chennai – 600 007.
- 3.The Managing Director,
Tamil Nadu Co-operative Housing Federation Ltd.,
48, Ritherdon Road,
Vepery, Chennai – 600 007.
- 4.Deputy Registrar (Housing),
Virudhunagar Region,
No.3-DD-Road, Maninagaram,
Virudhunagar District.
- 5.The President,
Q.796, Sivakasi Co-operative Building



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society Ltd.,
Bi,103/J.Kamarajar Salai,
Railway Feeder Road,
Sivakasi,
Virudhunagar District – 626 123.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the Terminal Benefits amount payable to the petitioner including P.F., Gratuity, Unavailed Leave Salary, Salary arrears - (Settlement arrears for the period from 01.12.2011 to 31.05.2014) and Security Deposit together with 18% interest and all other attendant benefits from the date of his retirement i.e., 31.05.2014 to till the date of payment within the stipulated period.

For Petitioner : Mr.A.K.Thangavelu

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1, R2 & R4
Mr.S.Kumar for R3
Mr.S.Seenivasagam for R5

ORDER

The grievance of the petitioner is that though he had retired from the service of the fifth respondent herein on 31.05.2014 itself, his retirement benefits have not been disbursed till date.



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2. The third respondent herein in his counter affidavit dated 13.03.2020, had stated as follows:

“8. I respectfully submitted that the 5th respondent society however had invested the provident fund amount, gratuity and staff security deposit of the petitioner in the 3rd respondent Federation and the same is of Rs.1,42,043.59, Rs.15,38,703.92 and Rs.82,229.27 respectively. The fifth respondent has to send the proposals through the Regional Deputy Registrar (Housing) i.e., 4th respondent. In turn, the 4th respondent shall forward the proposal with recommendation. After that the 3rd respondent i.e., Federation will release the amount to the petitioner.

9. It is submitted that the petitioner has sent a letter to the 3rd respondent only on 11.01.2019. In turn the third respondent has already addressed a letter to the 5th respondent society to send proposal specifying the amount due to the petitioner which invested with the Federation. On receipt of the proposal from the 4th respondent, the retirement benefits of the petitioner will be released immediately.

10. It is submitted that the other terminal benefits like the encashment of the surrender leave salary and arrear salary have to be borne by the employer of the petitioner viz., Q.796 Sivakasi Cooperative Building Society Ltd. Hence in this instant writ petition against the third respondent had become superfluous and unnecessary



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3. Thus the third respondent does not seem to have any reservation in disbursing the terminal benefits, but since the fifth respondent has not sent the proposal, they are unable to disburse the terminal benefits. The learned Standing Counsel for the fifth respondent would submit that he has no instructions from the fifth respondent, though he had attempted to obtain instructions in this regard.

4. In the light of the counter affidavit filed by the third respondent herein, there shall be a direction to the fifth respondent herein to forthwith send a proposal to the third respondent herein in connection with the petitioner's retirement benefits within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of such a proposal, the third respondent herein shall release the retirement benefits to the petitioner, as per the proposal, atleast within a period of four (4) weeks from the date of receipt of such proposal from the fifth respondent.

5. This Writ Petition stands allowed. No costs.

28.06.2022

Index : Yes / No

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Internet : Yes / No

vsm

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M.S.RAMESH, J.

vsm

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