



W.P.(MD)No.14422 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14422 of 2022

Gopal

... Petitioner

Vs.

1. The Joint Registrar,
Co-operative Societies,
Trichy Region,
Kajamalai,
Trichy - 20.
2. The Manager,
R-289, Maravanur Primary Agricultural Co-operative
Credit Society Limited,
Samudram Post,
Manaparai,
Trichy - 621 306.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 20.04.2022 and provident fund payments due to the petitioner.



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For Petitioner : Mr.Raguvaran Gopalan
for Mr.K.Prabhakar

For Respondents : Mr.P.Thilak Kumar
Government Advocate

ORDER

The relief sought for in the present Writ Petition is to direct the respondents to provide provident fund payments due to the petitioner based on the representation, dated 20.04.2022 submitted by him.

2. The learned counsel for the petitioner submitted that the petitioner was working as Senior Clerk with the second respondent Society and superannuated from service on 30.06.2017. During his tenure, along with Secretary Kulandhaivel, obtained loans from YK 143, Employees' Co-operative Loan Society, Manaparai. Both stood as security for other person's loan. The loan amount was Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) each. It is further submitted that the petitioner had repaid the entire loan with interest during his tenure. However, the said



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Kulandaivel died in harness on 04.04.2021. The petitioner is entitled for Rs.6,55,659/- as EPF dues. This amount is not paid to the petitioner for the reason that Kulandaivel has not repaid the loan amount. Kulandhaivel is also entitled for Rs.8,58,123/-. The second respondent can proceed against the amount available to the credit of Kulandhaivel. In this regard, he submitted a representation, to the respondents on 20.04.2022 for disbursal of his amount. Since no action had been taken on his representation, he filed this petition.

3. Mr.P.Thilak Kumar, learned Government Advocate takes notice for the respondents and submits that Kulandhaivel obtained loan of Rs.3,25,000/- on 19.02.2013. The principal with interest comes around Rs.6,81,493/-. The petitioner stood as surety for this amount. Kulandhaivel was dismissed from service. The monetary benefits to Kulandhaivel and the petitioner have to be paid only after obtaining 'No Objection Certificate' with regard to the payment of loan amount. Since 'No Objection Certificate' is not produced by the petitioner, the amount is not disbursed.



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4. I have considered the rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

5. From the facts narrated above, it is clear that both the petitioner and Kulandhaivel obtained loans from YK 143, Employees' Co-operative Loan Society, Manaparai and stood surety for each other's loan. The petitioner claimed to have repaid the loan amount borrowed by him with interest before his superannuation. On other hand, it appears that Kulandhaivel has not paid the loan amount. Because of non-payment of the loan amount by Kulandhaivel, the EPF dues for the petitioner is now pending. It is the case of the petitioner that Kulandhaivel is entitled for sum of Rs.8,58,123/- and that amount can be apportioned towards loan repayment. In the said circumstances, this Court directs the respondents to consider the representation of the petitioner, dated 20.04.2022 and pass appropriate order within a period of four weeks from the date of receipt of a copy of this order in the manner known to law.



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6. With the above direction, this Writ Petition is disposed of. No

costs.

07.07.2022

Index : Yes / No

Speaking Order : Yes / No

vji

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