



W.P.(MD)No.14346 of 2022

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14346 of 2022

K.Muthukrishnan

... Petitioner

vs.

- 1.The Principal Secretary,
Co-operative Societies Department,
Secretariat,
Fort St. George,
Rajaji Salai,
Chennai 600 009.
- 2.The Regional Joint Registrar of Co-operative Societies,
Integrated Multi Co-operative Buildings,
Annavasal Road,
Near District Collectorate,
Pudukottai 622 002.
- 3.The Regional Deputy Registrar of Co-operative Societies,
Integrated Multi Co-operative Buildings,
Annavasal Road,
Near District Collectorate,
Pudukottai 622 002.
- 4.The Co-operative Sub Registrar / Liquidating Officer,
174, Keeranur Agricultural Producer's Co-operative
Society Limited,
Integrated Multi Co-operative Buildings,



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Annavasal Road,
Near District Collectorate,
Pudukottai 622 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to sanction petitioner's retirement benefits of arrears of salary, provident funds, group insurance amount, balance bonus amount and gratuity amount with an accrued interest of 6.5%, by considering the representation of the petitioner, dated 17.03.2022 within a time frame as fixed by this Court.

For Petitioner : Mr.S.Karthikeyan

For Respondents : Mr.P.Thilak Kumar

Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to sanction petitioner's retirement benefits of arrears of salary, provident fund amount, group insurance amount, balance bonus amount and gratuity amount with accrued interest of 6.5%, by considering the representation of the petitioner, dated 17.03.2022 within a time frame as fixed by this Court.



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2. The learned counsel for the petitioner submitted that the petitioner worked as Assistant under the 4th respondent Society from 1975. In 1996, there was a charge of misappropriation against the petitioner and he was temporarily suspended. He challenged the suspension before the Labour Court at Tiruchirapalli in I.D.No.64 of 1998 and that was disposed in favour of the petitioner with the direction to the Management of the Society to reinstate the petitioner with attendant benefits. The criminal case registered against the petitioner in Crime No.7 of 1997 which culminated into C.C.Nos.166 of 2018 and 167 of 2018 ended in acquittal of the petitioner. The petitioner is now 71 years old. Till now his terminal benefits were not paid. He gave a representation to the respondents on 17.03.2022 for disbursal of the terminal benefits. No order was passed on this representation, which necessitated the filing of this petition.

3. Mr.P.Thilak Kumar, learned Government Advocate takes notice for the respondents 1 to 4. It is submitted by the learned Government Advocate that there are three surcharge proceedings pending against the petitioner. That apart, the 4th respondent Society was liquidated. These are the reasons for the non-payment of the terminal benefits.



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4. In reply to the submission, the learned counsel for the petitioner submitted that as far as the information, there is no surcharge proceedings pending against the petitioner.

5. I have considered the submissions and perused the records.

6. There is no dispute with regard to the fact that the petitioner was working as Assistant before the 4th respondent Society in 1975. His suspension was set aside by the Labour Court in I.D.No.64 of 1998 and he was also acquitted from criminal case in C.C.Nos.166 of 2018 and 167 of 2018. As of now, there is no impediment for payment of terminal benefits to the petitioner. There are conflicting claim with regard to the pendency of surcharge proceedings against the petitioner. The learned Government Advocate submitted that three surcharge proceedings are pending. However, there is no record available before this Court with regard to the surcharge proceedings. The petitioner is now 71 years old. Even if surcharge proceedings are pending, the respondents are directed to expeditiously dispose the surcharge proceedings at the earliest possible and pay



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whatever the terminal benefits due to the petitioner. Therefore, this Court directs the respondents to consider the petitioner's representation, dated 17.03.2022, within a period of eight weeks from the date of receipt of a copy of this order, as per the Rules.

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

06.07.2022

Index : Yes / No

Internet : Yes / No

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To

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Chennai 600 009.
- 2.The Regional Joint Registrar of Co-operative Societies,
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- 3.The Regional Deputy Registrar of Co-operative Societies,
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G.CHANDRASEKHARAN, J.

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Order made in
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Dated:
06.07.2022