



W.P(MD)No.21612 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21612 of 2022

P.Maruthamuthu

... Petitioner

Vs.

- 1.The Secretary to Government of Tamil Nadu,
Co-Operation, Food and Consumer Protection Department,
Fort St.George, Chennai 600 009.
- 2.The Registrar of Co-Operative Societies,
No.170, E.V.R. Periyar High Road,
Kilpauk, Chennai 600 010.
- 3.The Joint Registrar of Co-Operative Societies,
Office of the Joint Registrar of Co-Operative Societies,
Karur..
- 4.The Deputy Registrar of Co-Operative Societies,
Karur Circle, Karur.
- 5.The Special Officer,
R 656, Rajapuram Primary Agricultural
Co-Operative Credit Society,
Rajapuram Post 639 201, Aravakkurichi Taluk,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to settle the terminal / retirements benefits in the nature of Provident Fund,



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Gratuity and Encashment of Surrender Leave with interest from the day next to the date of retirement of the petitioner that is 01.06.2015 till the date of actual settlement of the same at the applicable interest rate within a time frame which may be stipulated by this Court.

For Petitioner : Mr.R.Thirugnana Sambandam

For Respondents : Mr.M.Senthil Ayyanar,
Govt. Advocate.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was employed in the fifth respondent society. He had served it for more than 31 years. He reached the age of superannuation on 31.05.2015. He worked as Clerk at the time of retirement. The grievance of the petitioner is that terminal benefits payable to him have not been settled. That led to the filing of this writ petition.

3.The learned Government Advocate for the fifth respondent would submit that the financial condition of the fifth respondent is so weak and that they are not in a position to even pay the monthly salaries of the employees.



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4.I am not impressed by the said submission. As rightly pointed out by the learned counsel for the writ petitioner, the financial condition of the fifth respondent cannot be cited as a reason for denying the payment of the benefits to which the petitioner is legitimately entitled to.

5.It is well settled that the terminal benefits of an employee also would constitute a property. It cannot be denied without authority of law. The fifth respondent is, therefore, directed to settle the writ petitioner's terminal benefits and other petition mentioned benefits within a period of eight weeks from the date of receipt of a copy of this order. It would carry interest at the rate of 6% per annum from the date of the petitioner's retirement till the date of payment.

6.The writ petition is allowed accordingly. No costs.

20.10.2022

Index : Yes / No
Internet : Yes/ No
ias

To:

1.The Secretary to Government of Tamil Nadu,
Co-Operation, Food and Consumer Protection Department,
Fort St.George, Chennai 600 009.



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G.R.SWAMINATHAN, J.

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