



W.P.(MD)No.11096 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.11096 of 2017

A.Sankaranantham

... Petitioner

vs.

1.State of Tamil Nadu,
represented by its Principal Secretary,
Co-operation, Food and Consumer
Protection Department,
Fort St.George, Chennai – 9.

2.The Registrar of Co-operative Societies,
Kilpauk, Chennai – 10.

3.The Joint Registrar of Co-operative Societies,
Theni Region, Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No.2587/CH1/2017-2, dated 20.04.2017, on the file of the Respondent No.1 and to quash the same as illegal and consequently, to direct the Respondent Nos.1 to 3 to provide interest at the rate of 12% for the



W.P.(MD)No.11096 of 2017

WEB COPY

belated payment of the terminal benefits to the tune of Rs.12,86,769/- (Twelve Lakhs Eighty Six Thousand Seven Hundred and Sixty Nine Only) to the petitioner for the period from 01.07.2004 to 06.03.2012 within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order, dated 20.04.2017, on the file of the Respondent No. 1 and to quash the same as illegal and consequently, to direct the Respondent Nos.1 to 3 to provide interest at the rate of 12% for the belated payment of the terminal benefits to the tune of Rs.12,86,769/- (Twelve Lakhs Eighty Six Thousand Seven Hundred and Sixty Nine Only) to the petitioner for the period from 01.07.2004 to 06.03.2012 within the time stipulated by this Court.

2.The brief facts of the case are that the petitioner was working as Deputy Registrar of Cooperative Societies, Theni. On the verge of superannuation on



W.P.(MD)No.11096 of 2017

WEB COPY

30.06.2004, the petitioner was placed under suspension, vide G.O.(2D)No.56, dated 23.06.2004. Since the disciplinary proceedings was pending, the petitioner approached this Court and filed W.P.(MD)No.7864 of 2007, to direct the respondents to complete the disciplinary proceedings within a stipulated time. This Court directed the respondents to complete it within 5 months. The respondents failed to comply with the order and filed an extension petition. The extension was granted for further six months.

3. Since the petitioner had attained superannuation and was placed under prolonged suspension, moreover, a criminal case was pending, the petitioner again approached this Court and filed W.P.No.11756 of 2009 and this Court, vide order, dated 25.03.2011, directed the respondents to revoke the suspension order and allow the petitioner to retire from service and also directed to settle the terminal benefits to the petitioner. The petitioner also filed W.P. (MD)No.6370 of 2011 and prayed to quash the charge memo, dated 18.04.2011 and this Court quashed the charge memo and allowed the writ petition.



W.P.(MD)No.11096 of 2017

WEB COPY

4. Since the charge memo was quashed, the petitioner submitted a representation to the respondents stating that there is no disciplinary proceedings pending against the petitioner and prayed to pay all the terminal benefits. Thereafter, the Government decided to withdraw the criminal case and the same was withdrawn. After the withdrawal, the respondents have paid the terminal benefits to a tune of Rs.12,86,769/-. The claim of the petitioner is that the petitioner was allowed to retire as early as 2004 itself. But the terminal benefits were paid in the year 2012. Hence, the petitioner is eligible to get interest for the belated terminal benefits.

5. The 3rd respondent had filed counter affidavit wherein it is stated that the terminal benefits were paid to the petitioner on various dates as stated in the following table:

Sl.No.	Particulars	Interest Amount Rs.	Paid on
1.	TNGESPF – 1984	11,893	12.5.2015
2.	TNGESPF – 2000	1,498	12.5.2015
3.	Terminal Leave Salary	1,21,458	12.5.2015
4.	Commutation	1,04,865	18.7.2017
5.	Residual Commutation of Pension	42,167	12.5.2015
	Total	2,81,881	



W.P.(MD)No.11096 of 2017

WEB COPY

8. With the above said observation, the writ petition is disposed of. No costs.

Index : Yes / No
Internet : Yes

08.11.2022

Tmg
To

1. The Principal Secretary,
Government of Tamil Nadu,
Co-operation, Food and Consumer
Protection Department,
Fort St. George, Chennai – 9.
2. The Registrar of Co-operative Societies,
Kilpauk, Chennai – 10.
3. The Joint Registrar of Co-operative Societies,
Theni Region, Theni.



WEB COPY



W.P.(MD)No.11096 of 2017

S.SRIMATHY, J

Tmg

W.P.(MD)No.11096 of 2017

08.11.2022