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WP(MD)N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.19140 of 2017

and

W.M.P. (MD)No.15524 of 2017

K.C. Subramanian

... Petitioner

vs.

1. The Joint Registrar of Co-operative Societies,
Pudukottai,
Pudukottai District.

2. The Deputy Registrar of Co-operative Societies,
Pudukottai, Pudukottai District.

3. Thuvar Primary Agricultural
Co-operative Credit Society,
Thuvar Post, Kandarakottai Taluk,
Alangudi Via, Pudukottai District,
Represented by its President.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 2nd respondent in Na.Ka.696/2017 Pa Tho(1), dated 28.08.2017 and quash the same as illegal and consequently direct the respondents to pay the petitioner's arrears of salary, gratuity, other attendant and monetary benefits with 12% interest within the period that may stipulated by this Honble Court.

For Petitioner : Mr.M.E.Elango

For R-1 & R-2 : Mr.R.Ragavendran
Government Advocate (Civil Side)

For R-3 : No appearance



O R D E R

This Writ Petition has been filed for issuance of **Writ of Certiorarified Mandamus**, to quash the impugned order passed by the 2nd respondent in Na.Ka.696/2017 Pa Tho(1), dated 28.08.2017 and also sought for a consequential direction to the respondents to pay the petitioner's arrears of salary, gratuity, other attendant and monetary benefits with 12% interest, within the time that may fixed by this Court.

2. Heard Mr.M.E.Elango, learned counsel appearing for the petitioner and Mr.R.Ragavendran, learned Government Advocate (Civil Side) appearing for the respondent Nos.1 & 2.

3. The contention of the petitioner is that the petitioner had worked as Secretary in the 3rd respondent society, between 01.09.1974 to **(*)25.11.2002**. The petitioner was kept out of service from **(*)25.11.2002** since the financial status of the third respondent society was in bad condition and the society was in liquidation. The petitioner has attained superannuation on 30.06.2008.

4. The allegation against the 3rd respondent society is that the 3rd respondent society has not paid any of the terminal benefits and salary to the petitioner. From the year 2002 onwards, the petitioner has not received any monetary benefits i.e., applicable to the petitioner. The impugned order states, since the 3rd respondent society is not financially viable, monetary benefits could not be paid. The said communication was sent on 28.08.2017.

(*)5. It is seen from the records that the said 3rd respondent society has not paid salary for a period from 2002 to till date of superannuation which is evident from the impugned order. The 3rd respondent society ought to have attempted to pay atleast in installments. The 3rd respondent society cannot discard its statutory liability to pay the monetary benefits to the petitioner.

(*)6. Considering the facts and circumstances, this Court directs the 3rd respondent society to pay statutory and terminal benefits i.e., applicable to the petitioner, for a period from 01.09.1974 to 25.11.2002 with 12 equal monthly installments, from the date of receipt of a copy of the order. The amount shall be paid with 7.5% interest. The salary payable, from April 2002 to June 2008 is left open to the petitioner to agitate before the authorities.



7. With the above directions, this Writ Petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

(*)Corrected as per the order of this Court in W.P.(MD)No.19140 of 2017 dated 08/12/2022

Sd/-

Assistant Registrar (CO)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

ksa

To

(*) To be substituted to the order already despatched on 28/11/2022

1. The Joint Registrar of Co-operative Societies,
Pudukottai,
Pudukottai District.
2. The Deputy Registrar of Co-operative Societies,
Pudukottai, Pudukottai District.
3. The President.
Thuvar Primary Agricultural
Co-operative Credit Society,
Thuvar Post, Kandarakottai Taluk,
Alangudi Via, Pudukottai District

+1 CC to M/s.M.E.ILANGO, Advocate (SR-51785[F] dated 31/10/2022)

+1 CC to M/s.SPL.GP (SR-51584[F] dated 28/10/2022)

**W.P. (MD)No.19140 of 2017
27.10.2022**

MGJ(25.11.2022) 3P 6C

RD(16/12/2022) 3P 6C