



W.P.(MD)No.29 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29 of 2020

M.Krishnamoorthy

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
NV Natarajan Nagar,
170, EVR High Road,
Kilpauk,
Chennai - 600 010.
2. The Joint Registrar of Co-operative Societies,
Pudukkottai Region,
Pudukkottai District.
3. The Deputy Registrar of Co-operative Societies,
Aranthangi,
Pudukkottai District.
4. The President,
M.M.378, Karambakudi Primari Agri
Co-operative Credit Society,
Karambakudi,
Pudukkottai.



W.P.(MD)No.29 of 2020

5. The Secretary,
M.M.378, Karambakudi Primari Agri
Co-operative Credit Society,
Karambakudi,
Pudukkottai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the fourth respondent herein dated 07.12.2019 and quash the same and directing the respondents herein to pay the arrear amount of salary along with the Dearness Allowance 97% from 01.04.2008 to 31.10.2015 to the petitioner and issue revised pension statement, with other consequential all benefits.

For Petitioner : Ms.E.Elil Selvi

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned proceedings of the fourth respondent herein dated 07.12.2019, quash the same and direct the respondents herein to pay the arrear amount of salary along with the Dearness Allowance 97% from 01.04.2008 to 31.10.2015 to the petitioner and issue revised pension statement, with other consequential benefits.



W.P.(MD)No.29 of 2020

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2. The case of the petitioner is that the petitioner was appointed in the fourth respondent's Society on 12.09.1978 and he retired on 31.10.2015 voluntarily due to medical reasons. The fourth respondent is the President of the fourth respondent's Society. From 01.04.2008, their new monthly salary was fixed and paid to them as per Government Order in G.O.No.189, Co-operative Food and Consumer Protection Department, dated 17.11.2009 and the same was challenged by the other employees in W.P.(MD)Nos.9140, 9186 and 14636 of 2014 on 19.12.2018. Based on the order of this Court, the petitioner had approached the respondents to pay the arrear amount of salary along with revised pension statement and the fifth respondent directed the petitioner to approach the fourth respondent, as the fourth respondent is the Competent Authority. This Court, set aside the G.O.Ms.No.189, Co-operative Food and Consumer Protection Department, dated 17.11.2009 and he is entitled to get the benefits. Hence, he approached the fourth respondent and the same was rejected. Challenging the same, the present Writ Petition.



W.P.(MD)No.29 of 2020

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner being the Secretary, cannot wait for unlimited period. The fourth respondent rejected the claim for terminal benefits on the ground of financial loss. Hence, this Court may issue a direction to the fourth respondent to settle the terminal benefits and he prayed for appropriate orders.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. It is seen that the fourth respondent refused to grant terminal benefits which is not sustainable on the ground of financial loss. However, after a lapse of two years, the respondents cannot cite the reasons of financial loss. Hence, this Court directs the fourth respondent to settle the eligible terminal benefits to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



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costs.



W.P.(MD)No.29 of 2020

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

20.12.2022

Index : Yes / No

Speaking Order : Yes / No

vji

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W.P.(MD)No.29 of 2020

M.DHANDAPANI,J.

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W.P.(MD)No.29 of 2020

20.12.2022