



W.P.No.524 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2022

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.524 of 2020
and
W.M.P.Nos.616 and 618 of 2020

R.Puratchithasan

... Petitioner

Vs.

1. The Additional Registrar of Cooperative Societies,
(Sales, Scheme and Development)
Kilpauk, Chennai - 10

2. The Chairman,
Common Cadre Authority/
Joint Registrar of Cooperative Societies,
Perambalur Region, Perambalur - 621 212,
Perambalur District.

3. The President,
TY.SPL.98 Marudhur Primary Agricultural
Cooperative Credit Society,
Marudhur Post - 621 710,
Ponparappi Via, Andimadam Taluk,
Ariyalur District.
Respondents

...

Writ Petition filed under Article 226 of Constitution of India, praying for

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issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.80636/2010 Sa.Pa.1, dated 15.11.2019 and quash the same and consequently direct the respondents to disburse th petitioner's father's terminal benefits to the legal heirs of the petitioner's Father T.Ramalingam together with 12% interest.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.80636/2010 Sa.Pa.1, dated 15.11.2019 and quash the same and consequently direct the respondents to disburse th petitioner's father's terminal benefits to the legal heirs of the petitioner's Father T.Ramalingam together with 12% interest.

2. The learned counsel for the petitioner submitted that the petitioner's



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father was working as Secretary in the 3rd respondent society and on 07.02.2007 the 2nd respondent herein suspended the petitioner's father from service and thereafter he approached this Court and filed a writ petition against the order of suspension and obtained interim stay, but the respondents did not reinstate him into service and on the other hand when the above writ petition came up before this court in W.P.No.11909 of 2008 dated 27.06.2008, this Court was pleased to direct the respondents herein to disburse the subsistence allowance to the petitioner's father. But the respondents have not complied with the order of this Court. The Domestic enquiry officer submitted his report before the 2nd respondent herein based on the said report the 2nd respondent issued termination order in his proceedings Na.Ka.849/2007 Vae.Sae.Sa, dated 08.06.2010.

3. The learned counsel further submitted that the petitioner's father approached this Court and challenged the said termination order in W.P.No.20785 of 2010 and the same was disposed by directing the petitioner's father to approach the first respondent and file Revision Petition. Accordingly, the petitioner's father preferred Statutory Revision under Section 153 of Tamil Nadu Cooperative Societies Act before the 1st respondent in turn



the 1st respondent took time for more than 9 years and now rejected the revision petition in his proceedings vide Na.Ka.80636 of 2010 Sa.Pa.1, dated 15.11.2019. Aggrieved by the same, the petitioner has come forward with the present writ petition.

4. The learned counsel for the respondent submitted that the petitioner's father while working as Secretary in the 3rd respondent Society has committed grave misconducts by way of misappropriating the loan amounts sanctioned to the members and in the fixed deposits of the members and caused a huge financial loss of Rs.22,02,826/-, hence he prayed for dismissal of the writ petition.

5. Heard both side and perused the materials available on record.

6. In view of the above submission made on either side, the 2nd and 3rd respondents are directed to settle the gratuity and provident fund to which the deceased employee/T.Ramalingam is entitled to as per Sections 78 & 79 of the Tamil Nadu Co-operative Societies Act, 1983. Out of the gratuity and provident fund amount, 1/3rd share shall be paid to the petitioner herein and



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2/3rd share shall be paid to the petitioner's mother for the reason that one of the petitioner's brother is suffering from lunatic and undergoing treatment at Kilpauk Medical College Hospital and his mother is taking care of him. The petitioner is also directed to submit the legal heirship certificate and death certificate of the deceased employee to the second respondent. The respondents are directed to pay the said amount with interest at the rate of 6% from the date of due till the date of payment within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observation and direction this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

17.08.2023

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Index : Yes/No
Speaking Order : Yes/No



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To:

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J. SATHYA NARAYANA PRASAD, J.

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