



WEB COPY



W.P.No.725 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

**THE HONOURABLE Ms.JUSTICE R.N.MANJULA**

W.P. No.725 of 2020

P.Rajasekaran, M/47  
S/o.R.Perumal  
No.72, Thiruvalluvar Street  
Dr.Abdul Kalam Nagar  
Kanniyakoil, Manapattu Post 607 402  
Pondicherry

... Petitioner

/Vs/

1.The Joint Registrar of Cooperative Societies  
Cuddalore Region, Cuddalore  
Cuddalore District

2.The Deputy Registrar of Cooperative Societies  
Cuddalore Circle, Cuddalore  
Cuddalore District

3.The President  
F.C.2749, Melpattampakkam Primary  
Agricultural Cooperative Credit Society  
Melpattampakkam & Post 607 104  
Panruti Taluk  
Cuddalore District

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to disburse the Petitioner's retirement benefits like gratuity, provident fund, earned leave



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benefits and unearned leave benefits on private affair together with 12% interest to the Petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.T.Chezhiyan (R1 & R2)  
Additional Government Pleader

Mr.S.Sunilkumar (for R3)

### **ORDER**

This Writ Petition has been filed for issuance of Writ of Mandamus directing the Respondents to disburse the Petitioner's retirement benefits like gratuity, provident fund, earned leave benefits and unearned leave benefits on private affair together with 12% interest to the Petitioner.

2.Heard Mr.C.Prakasam, learned counsel for the Petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader appearing for Respondents 1 & 2 and Mr.S.Sunilkumar, learned counsel for the third Respondent.

3.Mr.C.Prakasam, learned counsel for the Petitioner submitted that though the Petitioner had chosen to resign his job, he has got retiral benefits



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and it has not been paid to him.

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4.The records would show that the Petitioner was working as Jewel Appraiser in the third Respondent Society from 01.04.1998 and he is said to have resigned his job on 15.06.2012.

5.Mr.T.Chezhiyan, learned Additional Government Pleader appearing for Respondents 1 & 2 submitted that the Petitioner is not eligible to get any service benefits from the third Respondent Society, since he has not fulfilled the required period of service. It is further submitted that the Respondent Society is not financially sound and the Petitioner has already been paid with a sum of Rs.1,36,000/- as his resignation benefits.

6.Mr.S.Sunilkumar, learned counsel for the third Respondent submitted that as per sub section 2 of Section 79 of the Tamil Nadu Cooperative Societies Act 1983, gratuity fund shall be invested in the financing bank. But the then management of the third Respondent society has not invested the Employees Provident Fund and the Gratuity Fund in the financing bank and hence, it is not possible to pass on the benefit to the Petitioner.



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7.For any inaction on the part of the third Respondent, the employees of the Society cannot get affected. Since the Petitioner has resigned his post, it is for the Respondents to consider the representation of the Petitioner dated 21.03.2019 and pass orders in accordance with law, for disbursal of any of the pending entitlement of the Petitioner, if any.

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

**01.11.2023**

Index : Yes/No  
Neutral citation : Yes/No  
Speaking Order/Non-Speaking Order

*sai*



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To

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**R.N.MANJULA, J.**

*sai*

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