



WEB COPY



W.P.No.9219 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03..08..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.9219 of 2022

and

W.M.P.No.8973 of 2022

N.Rajendran

..... Petitioner

-Versus-

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

2.The Management,
H.H.581 Kilpannathur Primary Agricultural Cooperative
Credit Society,
Kilpannathur,
Kilpannathur Circle,
Tiruvannamalai District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 1st respondent in Revision Petition No.05 of 2020 Sa. Pa (Na.Ka.No.2676/2020 dated 29.11.2021 and to quash the same and consequently, direct the respondents to pay petitioner's retirement benefits namely, Gratuity and Leave Encashment totalling to a sum of Rs.10,04,067/- with interest @ 12% p.a. From the date of retirement till date of payment.



WEB COPY



W.P.No.9219 of 2022

For Petitioner : *Mr.L.P.Shanmugasundaram*

For Respondents : *Mr.S.Arumugam,*
Government Advocate for R1
Mr.B.Vijay,
AGP for R2

ORDER

This writ petition challenges the order passed by the 1st respondent in Revision Petition No.05 of 2020 Sa. Pa (Na.Ka.No.2676/2020 dated 29.11.2021 and seeks a consequential relief of direction, directing the respondents to pay petitioner's retirement benefits namely, Gratuity and Leave Encashment totalling to a sum of Rs.10,04,067/- with interest @ 12% p.a. From the date of retirement till date of payment.

2. It is the case of the petitioner that he joined the service of the respondent society as a Clerk on 01.09.1989. He was promoted as senior clerk on 16.06.1999. He had put in 30 years of unblemished service in the society. He was superannuated from service w.e.f. 01.05.2020. Though he was relieved from service on 30.04.2020, the retirement benefits payable to him were not settled.

3. Heard both sides.



W.P.No.9219 of 2022

4. Admittedly, the petitioner was facing departmental proceedings and the same got ended in final order dated 16.11.2015. Admittedly, as of now, no surcharge proceeding or departmental proceeding is pending against the petitioner. However, a criminal case is stated to be pending against the petitioner in C.C.No.2 of 2016 on the file of the learned Judicial Magistrate-II, Tiruvannamalai.

5. This court, earlier, in W.P.No.27738 of 2016 by order dated 05.01.2022 following the judgement of a Division Bench of Madurai Bench of this court in W.P.(MD) Nos.15875 and 15926 of 2013 dated 02.12.2023 has held that the reason assigned by the respondents for with holding the retirement benefits that the petitioner was involved in a criminal case could not be sustained and directed for the release of retirement benefits including the gratuity, earned leave salary and other attendant benefits.

In the light of the above legal position and the facts and circumstances the present case, the impugned order is set aside. The respondents are directed to quantify the retirements benefits and disburse whatever the retirement benefits that are due and payable to the petitioner as per rules within a period of



W.P.No.9219 of 2022

four weeks from the date of receipt of a copy of this order. The writ petition is

allowed accordingly with the above directions. No costs. Consequently

connected MP is closed.

03..08..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

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



WEB COPY



W.P.No.9219 of 2022

N.SATHISH KUMAR.J.,

kmk

W.P.No.9219 of 2022

03..08..2023