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W.P.No.18253 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.18253 of 2021

A.Sanjeevi, M/66
S/o.Ayyamperumal
No.8, R.S.Pillai Street
Tindivanam
Villupuram District

... Petitioner

/Vs/

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

2.The Deputy Registrar of Cooperative Societies
Tindivanam Circle, Tindivanam
Villupuram District

3.The President
Cl.Spl.145, Vilangambadi Primary Agricultural
Cooperative Credit Society
Vilangambadi Village, Tindivanam Taluk
Villupuram 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 together with 39 months salary comes around Rs.16,17,331/- together with 12% interest for belated payment of retirement benefits.



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For Petitioner : Ms.S.Hemalatha
for Mr.C.Prakasam

For Respondents : Mr.G.Nanmaran (for R1 & R2)
Special Government Pleader

Mr.V.Nanmaran (for R3)
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the Respondents to disburse the Petitioner's retirement benefits together with 39 months salary comes around Rs.16,17,331/- together with 12% interest for belated payment of retirement benefits.

2.Heard Ms.S.Hemalatha, learned counsel for the Petitioner and Mr.G.Nanmaran, learned Special Government Pleader for Respondents 1 & 2 and Mr.V.Nanmaran, learned Additional Government Pleader for the third Respondent.

3.Ms.S.Hemalatha, learned counsel for the Petitioner submitted that according to the Petitioner total due payable to him towards his retirement benefits and 39 months arrears of salary comes around Rs.22,60,792/-. Out of



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this, he had already received a sum of Rs.6,43,461/-, after deducting the same, the Respondents are yet to pay the balance sum of Rs.16,17,331/- to the Petitioner.

4.Mr.V.Nanmaran, learned Additional Government Pleader for the third Respondent submitted that the Petitioner's total retirement benefits would be only Rs.12,48,962/- and out of which Rs.5,00,000/- have already been paid and the balance amount yet to be paid is Rs.6,86,254.60. In fact, the third Respondent has given the following table to show what is the amount due to be paid and what has been paid so far:

<i>Details</i>	<i>Eligible retiral benefits</i>	<i>Disbursed so far</i>		<i>Amount to be remitted by the Petitioner</i>	<i>Pending disbursement</i>
Salary due	6,11,148.00	Date	Amount	Pay advance Rs.36,700.00	12,48,962.00
EPE		04.06.2015	50,000		(-) 62,708.30
Society	61,189.00	03.03.2017	1,00,000	Fertilizer	(-)
Employee	3,85,883.90	12.01.2018	1,00,000	damaged	5,00,000.00
		29.10.2018	1,50,000	Rs.26,008.30	6,86,254.60
Gratuity	1,90,742.00	06.08.2020	1,00,000		
Total	12,48,962.90		5,00,000	62,708.30	6,86,254.60

5.Mr.V.Nanmaran, learned Additional Government Pleader for the third Respondent further submitted that the third Respondent's society is suffering with financial crunch as it is running on loss, and hence the rest of the payment



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will be paid to the Petitioner on installment basis. The following table has been given by the third Respondent to show how he proposed to make the rest of the amount to the Petitioner:

	<i>Installment No.</i>	<i>Amount</i>
Before December 2021	1	86254.60
Before March 2022	2	75,000.00
Before June 2022	3	75,000.00
Before September 2022	4	75,000.00
Before December 2022	5	75,000.00
Before March 2023	6	75,000.00
Before June 2023	7	75,000.00
Before September 2023	8	75,000.00
Before December 2023	9	75,000.00
Total		686254.60

6.The last installment, even according to the Petitioner is due to be paid before December 2023. Since the maximum time has already been given, the third Respondent cannot make any further delay to make the payment but the third Respondent has to make the rest of the payment forthwith. However, with regard to the difference in the claim made by the Petitioner and the Respondents, the Petitioner is at liberty to make a representation by giving break up figures as to how he is entitled to the higher amount than the amount admitted by the third Respondent.



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7. In the result, this Writ Petition is disposed of and the third Respondent is directed to settle the admitted amount of Rs.6,86,254.60/- within a period of four weeks, from the date of receipt of a copy of this order and with regard to the rest of the claim made by the Petitioner, the Petitioner is at liberty to give a representation and the third Respondent shall dispose the same within a period of four weeks from the date of receipt of the said representation. No costs.

23.11.2023

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

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To

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

2. The Deputy Registrar of Cooperative Societies
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R.N.MANJULA, J.

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