



WEB COPY



W.P.No.20006 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.20006 of 2023
and W.M.P.No.19363 of 2023

- 1.Tamilselvi Narayanan
- 2.Vignesh Babu Narayanan
- 3.Vaishnavi Vasanth
- 4.Devaki Ammal

... Petitioner

Versus

- 1.The Registrar of Co-operative Societies,
Kilpauk, Chennai – 600 010.
- 2.The Joint Registrar/The Managing
Director,
Kumbakonam, Central Co-operative Bank,
Kumbakonam.
- 3.The Deputy Registrar,
Mayiladuthurai – 609 001.
- 4.The Sub-Registrar Co-operative
Societies
Secretary/Field Officer/The President,
5938, Mahendrapalli,
P.A.C.C.S Ltd.,
Mahendrapalli Post (via) Achalpuram,
Mayiladuthurai District – 609 101.

... Respondents



W.P.No.20006 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to dispose of the 1st petitioner representation dated 21.12.2020 at the instance of the petitioners to disburse the balance amount with interest due on the death of V.J.Narayanan, deceased Government Servant on the account of payment of DCRG, to the petitioners forthwith.

For Petitioner	: Mr.R.Loganathan
For Respondents	
For R1 to R3	: Mr.P.Baladhandayutham Special Government Pleader
For R2 & R4	: Mr.P.Sathish Additional Government Pleader

ORDER

The writ petition has been filed to direct the respondents to dispose of the 1st petitioner's representation dated 21.12.2020 at the instance of the petitioners to disburse the balance amount with interest due on the death of V.J.Narayanan, deceased Government Servant on the account of payment of DCRG, to the petitioners.



W.P.No.20006 of 2023

2. It is the grievance of the writ petitioners that the 1st petitioner's husband was working as Special Officer in the respondent Society and he was retired from service on 04.09.2020 and he died. However, his retirement benefits has not been paid despite repeated representations made by the petitioners. Even as per the communication sent by the 4th respondent dated 12.01.2021, the respondent has admitted that still a sum of Rs.3,49,662/- is payable by them. Hence, the petitioners seek direction.

3. The learned Additional Government Pleader for the respondents on instruction submitted that out of Rs.5,99,688/-, a sum of Rs.2,50,000/- has been disbursed and still the remaining amount of Rs.3,49,662/- has to be disbursed and however, he submitted that there are some ARC proceedings in respect of the loan due.

4. In such view of the matter, the respondents are directed to consider the representation of the petitioners dated 01.04.2023 and pass orders and disburse the remaining amount as per law, within a period of two months from the date of receipt of a copy of this order. It is made clear that Provident Fund and Gratuity cannot be withheld as per Section 78 and 79 of Tamil Nadu Co-operative Societies Act.



W.P.No.20006 of 2023

WEB COPY

5. With the above direction, the writ petition stands disposed of. No costs.

Consequently connected miscellaneous petition is closed.

12.07.2023
(1/2)

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WEB COPY



W.P.No.20006 of 2023

N. SATHISH KUMAR, J.

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W.P.No.20006 of 2023

12.07.2023
(1/2)