



WEB COPY



W.P. No. 20631 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 20631 of 2022

A.Ansari

... Petitioner

-VS-

1. The Deputy Registrar of Co-operative Societies
Villupuram Circle, Villupuram
Villupuram.

2. The President
Katrambakkam Primary Agricultural Co-operative Credit Society
Katrambakkam, Vanur Taluk
Villupuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to disburse the Petitioner's retirement benefits like Gratuity, 120 days earned leave and unearned leave on private affairs to the Petitioner.

For Petitioner : Mr. C.Prakasam

For Respondents : Mrs. R.Anitha (R1)
Special Government Pleader

Mr. M.S.Premkumar(R2)

ORDER

Heard Mr. C.Prakasam, Learned Counsel for the Petitioner,
Mrs. R.Anitha, Learned Special Government Pleader appearing for the First



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Respondent and Mr. M.S.Premkumar, Learned Counsel for the Second

Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who had worked as Salesman in the co-operative society of the Second Respondent, had retired from service on 30.06.2018 when he attained the age of superannuation. As his terminal benefits have not been fully paid by the Second Respondent despite the representation dated 18.05.2022, the Petitioner has filed this Writ Petition.

3. In the Counter-Affidavit dated 26.04.2023 filed by the Second Respondent, it has been stated as follows:-

“4(b) It is submitted that the Petitioner is eligible to get the retiral benefits namely (i) Provident Fund Rs.3,54,548/- Encashment of Leave salary Rs.1,28,560/-, Bonus Rs.2,095/- and Gratuity of Rs.2,87,406/- totally Rs.7,72,609/-. A sum of Rupees disbursed to the Petitioner with Provident Fund on Rs.3,54,965/- [society contribution of Rs.2,37,371/- + employee contribution of Rs.1,17,594/-] disbursed on 29.12.2018; Out of 240 days Encashment of Leave Rs.1,28,560/-, a sum of



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Rs.64,280/- for 120 days as Encashment of Leave disbursed on

28.03.2019 and remaining sum of Rs.64,280/- for 120 days as

Encashment of Leave disbursed on 28.11.2019 and Bonus of

Rs.2,095/- for the period from 01.04.2018 to 30.06.2018 was

disbursed vide page no.45 of the month of 2018-2019 pay bill

register. It is submitted that Gratuity of Rs.2,87,406/- have to be

disbursed to the Petitioner by the 2nd respondent Society.”

The Second Respondent has explained its inability to make payment of the remaining amount of terminal benefits as it is functioning in cumulative loss for the post 10 years as per the factual information below:-

Year	Cumulative Loss
2010 - 2011	1378423.66
2011 - 2012	1633842.70
2012 - 2013	1268114.11
2013 - 2014	1132099.99
2014 - 2015	1725030.26
2015 - 2016	2129812.85
2016 - 2017	4944357.25
2017 - 2018	7484589.32
2018 - 2019	8520352.70
2019 - 2020	8399958.88
	105976581.72



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In such circumstances, it is informed that the eligible retiral benefits of Rs. 2,87,406/- would be paid to the Petitioner in eight quarterly installments of Rs. 35,925/- each payable on 30.06.2023, 30.09.2023, 31.12.2023, 31.03.2024, 30.06.2024, 30.09.2024, 31.12.2024 and 31.03.2025.

4. It shall be incumbent upon the Second Respondent to carry out the said undertaking on the due dates and in the event of default of any of those installments, the Petitioner shall not be precluded from working out his remedies for recovery of the entire amount remaining due with interest at the rate specified in the relevant statutory provisions before the proper forum in the manner recognized by law. It is needless to add here that no view is expressed by this Court on the merits of the controversy involved in the matter.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

28.04.2023

Maya

Index: Yes/No

Neutral Citation : Yes/No

Note: Issue order copy by 21.08.2023.



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To

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P.D. AUDIKESAVALU, J.

Maya

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