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W.P.No.21950 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21950 of 2023

K.Thavamani

... Petitioner

Vs.

- 1.The Joint Registrar of Coop. Societies,
Office of the Joint Registrar of Coop. Societies,
Kanchipuram Circle,
Vandawasi Road,
Gandhi Nagar,
Thayar Kulam,
(Opposite to Collectorate)
Kanchipuram – 631 501.
- 2.The Deputy Registrar of Coop. Societies,
Office of the Deputy Registrar of Coop. Societies,
Kanchipuram Circle,
Vandawasi Road,
Gandhi Nagar,
Thayar Kulam,
(Opposite to Collectorate)
Kanchipuram – 631 501.
- 3.The President,
Walajabad Co-operative Agricultural Bank Ltd.,
Walajabad,
Kanchipuram District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation, dated 09.05.2023, as she was working from the year 1979, and to sanction and issue the petitioner's terminal benefits, viz., Gratuity, Provident Fund and Unearned Leave on Private Affairs and Pension Benefits, viz., Pension etc.

For Petitioner : Mr.R.Anbalagan
For R1 and R2 : Mr.V.Jeevagiridharan
Additional Government Pleader
For R3 : Mr.P.Harish
Government Advocate (CS)

ORDER

This writ petition has been filed to direct the 1st respondent to consider the petitioner's representation, dated 09.05.2023, and to sanction and issue the petitioner's terminal benefits, viz., Gratuity, Provident Fund and Unearned Leave on Private Affairs and Pensionary Benefits, viz., Pension etc., as she was working from the year 1979.

2.Brief facts of the case are as follows :

The petitioner was working with the 3rd respondent-Co-operative



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Agricultural Bank from 25.03.1979. Pursuant to the disciplinary

proceedings initiated against her by the Department, the petitioner was

dismissed from service by an order dated 31.08.1995. After several

rounds of litigations, the petitioner filed an Industrial Dispute in

I.D.No.271 of 2008 before the Labour Court, Chennai, seeking

reinstatement into service. The Labour Court, vide order dated 27.03.2014

in I.D.No.271 of 2008, instead of ordering reinstatement, ordered a sum of

Rs.1,00,000/- to be paid to the petitioner as compensation. Challenging

the said order of the Labour Court, the petitioner filed a writ petition

before this Court in W.P.No.25169 of 2014. From the order made by this

Court in W.P.No.25169 of 2014, dated 30.07.2021, it is seen that, at the

time of hearing, the petitioner filed a memo, dated 26.07.2021, stating that

she is willing to accept and confine her relief to the sum of Rs.1,00,000/-

as compensation. Recording the same, the said writ petition was dismissed

by this Court, by directing the Management to pay the sum of

Rs.1,00,000/- apart from other terminal benefits like Gratuity, etc.

Thereafter, alleging disobedience of the orders of this Court, the petitioner

filed Contempt Petition in Cont.P.No.413 of 2022. From the order passed

by this Court dated 12.12.2022 in Cont.P.No.413 of 2022, it is seen that

the petitioner had already been paid the sum of Rs.1,00,000/- as early as in



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December, 2021 and the amount of Gratuity due to the petitioner for a sum of Rs.75,000/- was also paid to the petitioner on 12.12.2022, and therefore, the Contempt Petition was closed, giving liberty to the petitioner that if the petitioner has got any grievance, she can work out her remedy before the appropriate forum in the manner known to law. Thereafter, the petitioner has submitted a representation, dated 09.05.2023, to the respondents for grant of terminal benefits viz., Gratuity, Provident Fund and Unearned Leave on Private Affairs and Pensionary Benefits viz., Pension, etc., to the petitioner. Since no order has been passed on the representation submitted by the petitioner, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner.

4.Mr.V.Jeevagiridharan, learned Additional Government Pleader, who takes notice for the respondents 1 and 2, submits that, pursuant to the orders of this Court, the petitioner was paid the sum of Rs.1,00,000/- in December, 2021, and moreover, the Gratuity amount of Rs.75,000/- which was due to her as on the date of termination was also disbursed to the petitioner on 12.12.2022. Further, the learned Additional



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Government Pleader submits that, since the petitioner has been terminated from service, only Gratuity is payable to the petitioner as terminal benefit and even the same has been paid to her and as of now, no amount is payable to the petitioner.

5.The receipt of Rs.1,00,000/- and also a further sum of Rs.75,000/- towards Gratuity is not disputed by the petitioner, but the only grievance put forth by the learned counsel for the petitioner before this Court is that the petitioner has received only a meagre amount. Admittedly, the petitioner has been terminated from service. Therefore, the Gratuity amount, for which alone she is entitled, can be granted only based on the length of service rendered by her, which has admittedly been paid to her. When such being the case, the question of payment of huge amount, as presumed and expected by the petitioner, does not arise. In such view of the matter, I do not find any merit in this writ petition.

6.As a result, this writ petition is dismissed. No costs.

25.07.2023

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Internet : Yes
Index : Yes / No
Neutral citation : Yes
Speaking order / Nonspeaking order

To

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N. SATHISH KUMAR, J.
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