



W.P.No.19178 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.19178 of 2020

and

W.M.P.No.23754 of 2020

N.Sreeram

... Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies,
The Nilgris Region, Additional Collector Office Building,
Fingar Post, Ooty, The Nilgiris District.

2. The Deputy Registrar Cooperative Societies,
Ooty Circle, Additional Collector Office Building,
Fingar Post, Ooty, The Nilgiris District.

3.The President,
No. J-298, Sri Ranganathar Primary
Agricultural Cooperative Credit Society,
M.Palada Post - 643 004,
The Nilgiris District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to disburse the petitioner's retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned



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Leave on Private Affairs to the petitioner within stipulated time as fix by this
Hon'ble Court.

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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.A.M.Ayyadurai
Government Advocate
For R1 & R2
Mr.S.Arumugam
For R3.

ORDER

This writ petition has been filed seeking a direction to the respondents to disburse the petitioner's retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of unearned leave on private affairs to the petitioner within a stipulated time.

2. The case of the petitioner is that he was appointed as Clerk in the third respondent society on 06.02.1985 and subsequently, he was promoted as Assistant Secretary in the year 1992 and subsequently, he was promoted as Secretary in the year 2010 in the third respondent society and eventually, was allowed to retire from service on 31.05.2019. On the date of retirement, the petitioner was not facing any disciplinary proceedings or surcharge proceedings and the petitioner was allowed to retire peacefully, but even after retirement the respondents did not come forward to disburse the petitioner's retirement benefits like gratuity,



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provident fund, earned leave and unearned leave on private affairs. In this connection, the petitioner approached the respondents on several occasions and made requests to disburse the same, but they were dragging on the matter and hence, the petitioner made a written representation to the respondents on 26.08.2020. Even after that, the respondents did not disburse the same and finally, on 01.10.2020, the petitioner made a written representation to the respondents requesting to disburse the retirement benefits. Even after that, the respondents were not disbursing the petitioner's retirement benefits. Hence, this writ petition.

3. The learned Government Advocate appearing for the first and second respondents submitted that the total amount to which the petitioner is entitled to towards the retirement benefits viz., gratuity, general provident fund, special provident fund, encashment of earned leave and encashment of unearned leave on private affairs comes to Rs.25,74,526/-, out of which, the petitioner has availed a loan for a sum of Rs. 5,00,000/- from the Nilgiris District PACB Employees Thrift and Credit Society and the Society has intimated and instructed the respondent that the petitioner has also availed a loan of Rs.5,00,00/- on 04.09.2014 and paid an amount of Rs.41,000/- and that the balance amount has to be deducted is



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Rs.25,74,526/-. In view of the instruction given by the Society, the entire amount of the retirement benefits was not settled to the petitioner.

4. Now, the learned counsel appearing for the petitioner submitted that the loan amount due with interest may be settled in favour of Society and the remaining amount may be settled to the petitioner at the earliest.

5. The learned Government Advocate requested six months time to settle the amount. But, this Court is of the view that time is too long since the petitioner had already retired from service on 31.05.2019 and now, four years have lapsed by and till date, nothing has been paid towards retirement benefits.

6. In view of the above, this Court issues the following directions:

(i) The amount payable to the petitioner after deducting the loan amount with interest at the rate of 6% per annum has to be calculated by the third respondent.

(ii) The calculated amount i.e., the balance amount



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after deducting the loan amount, with 6% interest has to be paid in three equal monthly installments.

(iii) Each installment has to be paid on or before 10th of every month i.e., 1st installment in October 2023, 2nd installment in November 2023 and the 3rd installment in December 2023.

7. This Writ Petition is disposed of accordingly with the above directions.

No costs. Consequently, connected miscellaneous petition is closed.

23.08.2023

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Index : Yes/No

Speaking Order : Yes/No

To:

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Ooty Circle, Additional Collector Office Building,
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J.SATHYA NARAYANA PRASAD,J.



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