



W.P.No.23615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23615 of 2023

P.Senthamaraikannan

... Petitioner

Versus

1.The Registrar of Cooperative Societies,
(Sales, Scheme and Development)
E.V.R Periyar Salai, Poonamallee High Road,
Kilpauk, Chennai – 10.

2.The Chairman,
Common Cadre Authority/
Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram,
Villupuram District.

3.The Administrator,
CL.SPL.131, Melarungunam Primary
Agricultural Cooperative Credit Society,
Melarungunam Village, Anaiyeri Post – 605 201,
Gingee Taluk, Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus order or direction in the nature of a writ, directing the 2nd and 3rd respondents to disburse the terminal benefits like Provident Fund, Earned leave and Unearned Leave for private affairs together with arrears of the subsistence allowance to the petitioner within a stipulated time.



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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents 2 and 3 to disburse the terminal benefits like Provident Fund, Earned leave and Unearned Leave for private affairs together with arrears of the subsistence allowance to the petitioner within a stipulated time.

2.The grievance of the Writ Petitioner is that he was working as Secretary in the 3rd respondent society and he was placed under suspension on 11.09.2018 pending contemplation of charges. Subsequently, a charge memo was issued containing 85 articles of charges followed by a detailed enquiry. On conclusion of the enquiry, majority of the charges being found proved, he was dismissed from service vide proceedings of the 2nd respondent, dated 26.06.2020 in Na.Ka.No.8458/2019/Tho.Vae.Sa. Challenging the same, a Writ Petition has been filed by the petitioner in W.P.No.16155 of 2020 and this Court, by order, dated 11.11.2020 dismissed the same holding that there is effective revisional remedy is available under Section 153 of the Tamil Nadu Cooperative Societies Act. Thereafter, the petitioner filed a revision petition under Section 153 of the



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Tamil Nadu Cooperative Societies Act before the 1st respondent and the same was rejected by order, dated 06.01.2023. Now, the only grievance is that the petitioner is entitled to get terminal benefits like Provident Fund, Earned Leave and Unearned Leave for private affairs and arrears of Subsistence Allowance. In this regard, the petitioner has given representation before the respondents on 26.06.2023, however, the same has not been considered and no terminal benefits have been paid.

3.The learned Special Government Pleader appearing for the respondents submitted that since a representation has been given by the petitioner on 26.06.2023 to disburse the terminal benefits, the same will be considered and orders will be passed on merits.

4.Considering the limited relief sought for in this Writ Petition, there shall be a direction to the respondents to consider the representation of the petitioner, dated 26.06.2023 and release the amounts which are not attachable under Sections 78 and 79 of the Tamil Nadu Cooperative Societies Act to the petitioner, within a period of two months from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition stands disposed of.

No costs.

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Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To

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N.SATHISH KUMAR, J.
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