



W.P.Nos.28879 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.28879 of 2023

and

W.M.P.No.28462 of 2023

N.Shanmugam

... Petitioner

Vs.

1.The Joint Registrar of
Cooperative Societies,
Kancheepuram Division,
Kancheepuram District.

2.The Deputy Registrar of
Cooperative Societies,
Madhurandagam Circle,
Chengalpattu District.

3.The Special Officer,
Primary Agricultural,
Cooperative credit Society,
Mugandhagiri.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the petitioner his retirement benefits with interest.



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For Petitioner : M/s.B.N.Sivagamasundarai
For R1 & 2 : Mr.VPR.Elamparathi
Additional Government Pleader
For R3 : Mr.G.Ameedius, Government Advocate

ORDER

The petitioner had retired from service from the 3rd respondent Society on 30.06.2015. Since his retirement benefits were not disbursed within a reasonable time, the present Writ Petition has been filed.

2.Pending Writ Petition, on 13.12.2023, the following order came to be passed,

“In the last hearing date 22.11.2023, the respondents had paid a sum of Rs.11,16,405/- towards retirement benefits due to the petitioner, which includes 10% interest on the total outstanding.

2. Today, the respondents have given a Memo of calculation, as per which, a sum of Rs.57,693/- and the interest on the said amount for Rs.72,645/- has been deducted on the ground that there was a loss caused to the Society owing to an auction held, possibly during



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the period of petitioner's service.

3. Likewise, the petitioner had claimed to have festival advance of Rs.4,000/-, for which, they have calculated interest at Rs.4,029/-.

4. A sum of Rs.28,177/- has been deducted towards outstanding provident fund loan amount. However, interest on this amount has been calculated at Rs.28,384/-.

5. The petitioner was permitted to retire on 30.06.2015 and had the respondents disbursed his retirement benefits on the date of his retirement, they could have deducted the advance amount due to them. Having waited for more than 8 ½ years, calculating interest on the outstanding loan amount would be impermissible. Likewise, the alleged loss in a tender conducted to the tune of Rs.57,693/- together with interest at Rs.72,645/-, amounts to Rs.1,30,338/-, has been arrived without any prior proceedings of the respondents, assessing the loss or imposing liability on the petitioner. As such, this claim of the respondents is not legally sustainable.

6. In the light of the above discussions, a sum of Rs.1,30,338/-(Rupees One Lakh thirty thousand three hundred thirty eight only); Rs.4,029/-(Rupees Four



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thousand twenty nine only) and Rs.28,384/-(Rupees Twenty Eight thousand three hundred eighty four only), totalling Rs.1,62,751/-(Rupees One Lakh Sixty Two thousand Seven hundred fifty one only) has been illegally deducted from the petitioner's retirement benefits. As such, the respondents are liable to refund this amount.

7. The Special Officer, Primary Agricultural Co-operative Credit Society, Mugandhagiri / the third respondent herein shall be physically present before this Court on 19.12.2023 together with a cheque for a sum of Rs.1,62,751/- (Rupees One Lakh Sixty Two thousand Seven hundred fifty one only) in favour of the petitioner.

Post on 19.12.2023 under the caption “for orders”..”

3.By way of implementation of the aforesaid order dated 13.12.2023, the learned counsel for the 3rd respondent handed over a Cheque bearing No.008272 dated 18.12.2023 for a sum of Rs.1,62,751/- to the learned counsel for the petitioner. Since the entire retirement benefits have now been disbursed to the petitioner, his grievance has been redressed. Therefore, no further orders require to be passed.



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4. Accordingly, this Writ Petition stands closed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

Speaking order/Non-speaking order
gd

To

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Kancheepuram District.

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gd

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