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W.P.(MD)NO.5737 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5737 of 2023

K.Sakthivel

... Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai.
2. The Registrar of Cooperative Societies(Housing),
No.493, Anna Salai, TNHB Complex, Nandanam,
Chennai – 600 035.
3. The Managing Director,
Tamil Nadu Cooperative Housing Federation Ltd.,
No.38, Ritherdon Road, Vepperi,
Chennai – 600 007.
4. The Deputy Registrar of Cooperative Societies(Housing),
Madurai City, Bhaskar Complex, 2nd Floor,
No.5, Besant Road, Chinnachokkikulam,
Madurai – 620 002.
5. The Official Liquidator,
MDA.HSG 59, Thirumangalam Taluk,
Cooperative Housing Society Ltd.,
Having office at:
O/o.The Deputy Registrar of
Cooperative Societies(Housing),
Madurai Circle, Bhaskar Complex, 2nd Floor,
No.5, Besant Road, Chinnachokkikulam,
Madurai – 620 002.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 4 and 5 to disburse the retirement benefits to the petitioner such as payment en-cashable earned leave of a sum of Rs.1,05,167, Non-payment of arrears of salary from March 2014 to November 2016 a sum of Rs.4,99,111/- and towards pending salary arrears of a sum of Rs.1,82,894/- totaling a sum of Rs.7,87,172/- and such other benefits along proportionate interest to the petitioner in the light of proceedings issued by the 4th respondent dated 10.07.2019 vide Na.Ka.No. 784/19/Saba and also by considering the petitioner's representation dated 04.03.2023 within the time stipulated by this Court.

For Petitioner : Mr.P.Mahendran

For R-1,R-2,
R-4 &R-5 : Mr.K.S.Selvaganesan,
Additional Government Pleader.

For R-3 : M/s.Kanmani Annamalai

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner was appointed as Secretary of the petition mentioned society. He had served the said institution till 30.11.2016. He



was allowed to retire. The grievance of the petitioner is that his terminal benefits have not been settled. Since his representation did not yield any response, the present writ petition came to be filed.

3. He filed W.P.(MD)No.13654 of 2018. Vide order dated 28.02.2019, the writ petition was disposed of in the following terms:-

“ 4. Following the aforesaid order, this writ petition stands disposed of directing the respondent authorities to consider the claim of the petitioner in line with the observations made in the Paragraph Nos.4 to 20 of the order dated 28.02.2019 passed in WP(MD) No.20107 of 2018 and pay the benefits accordingly. Insofar as the interest on belated payment of retiral benefits is concerned, considering the facts and circumstances of the case and having regard to the present day cost of living, the respondent authorities are directed to pay interest at 8% per annum, from the date of entitlement till the date of payment of entire amount, failing which, the same shall carry penal interest at 18%p.a. for the default period. Such an



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exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order.

No costs.”

4. The grievance of the petitioner is that this direction did not nudge the management to settle his dues. Hence, this writ petition came to be filed.

5. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the society has become financially insolvent and that the financial liquidator has been appointed.

6. I therefore direct the fifth respondent to conclude the liquidation proceedings as expeditiously as possible. From the proceeds realized by him, the claimants / creditors of the society shall be settled as per norms. It is obvious that the petitioner is one of the creditors.

7. It is relevant to note here that the fourth respondent has already issued proceedings dated 10.07.2019 in this regard. The fifth respondent shall comply with the said direction. In any event, the entire exercise



shall be concluded within a period of six months from the date of receipt of a copy of this order. The writ petition stands disposed of on these terms. No costs.

23.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

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G.R.SWAMINATHAN,J.

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