



W.P(MD)No.10207 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10207 of 2023

and

W.M.P.(MD)No.9041 of 2023

S.Balasubramanian

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
O/o. The Joint Registrar of Cooperative Societies,
Collectorate Campus, Virudhunagar,
Virudhunagar District.

2.The Deputy Registrar of Cooperative Societies,
O/o. The Deputy Registrar of Cooperative Societies,
Srivilliputhur Circle, Virudhunagar District.

3.The President,
A.1579, Sivakasi Cooperative Stores Limited,
Sivakasi, Virudhunagar District.

4.The Inspector of Police,
Commercial Crime Investigation Wing,
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents 1 to 3 to disburse the retirement benefit such as Gratuity, Employees Provident Fund and Earned Leave Salary payable to the petitioner by considering the representation dated 10.04.2023 within the time frame.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner was working as Salesman in the third respondent society. He reached the age of superannuation on 31.03.2023. He had put in 40 years of service. The learned counsel for the petitioner drew my attention to the proceedings of the management. It is seen therefrom that the management had decided to drop surcharge proceedings against the petitioner. The disciplinary action initiated against the petitioner had also been concluded by then. The petitioner was also relieved from



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service. The only reason for not disbursing the petitioner's retirement benefits was on account of the pendency of criminal case against the petitioner.

3.This in my view is cannot be a ground for withholding the petitioner's retirement benefits. In the decision reported in **(2015) 6 MLJ 684**, a learned Judge of this Court had held that unless there is statutory provision for withholding the retirement benefits, they cannot be withheld. My attention has not been drawn by the respondents to any provision which enables the management to withhold the retirement benefits on account of pendency of criminal case against the petitioner. I, therefore, hold that non-disbursement of the petitioner's retirement benefits is not proper. The respondents 3 and 4 are directed to disburse the petitioner's retirement benefits as expeditiously as possible. I however consciously refrain from quantifying the exact figure. This shall be done within a period of twelve weeks from the date of receipt of a copy of this order.



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4.This writ petition is allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

26.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Joint Registrar of Cooperative Societies,
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Collectorate Campus, Virudhunagar,
Virudhunagar District.
- 2.The Deputy Registrar of Cooperative Societies,
O/o. The Deputy Registrar of Cooperative Societies,
Srivilliputhur Circle, Virudhunagar District.
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G.R.SWAMINATHAN, J.

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