



W.P(MD)No.11585 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11585 of 2023

Sundalaimuthu

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Office of the Joint Registrar,
Thoothukudi District.

2.The Deputy Registrar of Cooperative Societies,
Public Distribution System, Polpettai,
Thoothukudi, Thoothukudi District.

3.The President,
O.1140 Karunkulam Cooperative Stores Limited,
Karunkulam, Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant and to disburse all the terminal benefits based on the petitioner's representation dated 10.04.2023.



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For Petitioner : Mr.Aayiram K.Selvakumar

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

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ORDER

Heard the learned counsel on either side.

2.The petitioner was employed as Salesman in the third respondent society. He joined on 01.10.1987 and retired on 30.09.2022. He was allowed to retire. However, his terminal benefits have not been disbursed in full. Seeking its disbursement, the present writ petition has been filed.

3.The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents. Two objections have been raised. The petitioner is facing criminal case in Crime No.12 of 2020 on the file of CSCID Police, Nagercoil. The petitioner has an alternative remedy. He pressed for dismissal of the writ petition.



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4.I carefully considered the rival contentions and went through the materials on record. When the petitioner has been permitted to retire and there is no disciplinary action pending against him, the question of retraining the terminal benefits will not arise at all.

5.It is true that an alternative remedy is available. But it is only a rule of discretion and it does not go to the root of the matter. When a person after having served an institution for more than three decades has retired from service and he was allowed to retire, the management is bound to settle the terminal benefits in full without delay. The third respondent is directed to settle the petitioner's retirement benefits as expeditiously as possible.

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

28.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To:-

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