



W.P.(MD).No.673 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.673 of 2019
and
W.M.P.(MD).Nos.569 and 6622 of 2019**

N.Ulaganathan

... Petitioner

Vs.

- 1.The Registrar (Housing),
O/o the Registrar of Co-operative Societies (Housing),
No.48, Rithardan Road,
Vepperi,
Chennai – 600 007.
- 2.The Deputy Registrar (Housing),
O/o. the Deputy Registrar of Co-operative Society (Housing),
A/7, Singam Building,
Thiruvananthapuram High Road,
Vannarapettai,
Tirunelveli Post & District.
- 3.The President, (Housing),
TNV HSG 28, Veerakeralampudur Taluk Co-operative Housing
Society Limited,
No.1/67A, North Masi Street,
Veerakeralampudur Post – 627 861,
Tirunelveli District.



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4.I.Syed,
Secretary In-charge,
TNV HSG 28, Veerakeralampudur Taluk Co-operative Housing
Society Limited,
No.1/67A, North Masi Street,
Veerakeralampudur Post – 627 861,
Tirunelveli District.

5.Tirunelveli Divisional Rural Co-operative Housing Society,
Tenkasi,
Now renamed as,
Tenkasi Taluk Co-operative Housing Society TNVHSG 40,
Kannimar Amman Kovil Street,
Tenkasi.

... Respondents

*(R-5 is suo moto impleaded vide Court Order dated 12.04.2023 in
W.P.(MD).No.673 of 2019)*

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
disburse the petitioner's retirement benefits within a stipulated time may be
fixed by this Court with interest may be fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

For R-1 and R-2
and R-5 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-3 and R-4 : Mr.T.Selvan

ORDER

This Writ Petition is filed for Mandamus directing the respondents to
disburse the petitioner's retirement benefits.



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2. The petitioner was appointed as Clerk in Tirunelveli Divisional Rural Cooperative Housing Society, Tenkasi on 26.12.1979 and thereafter absorbed as Record Clerk and consequently his service was regularized. The petitioner was transferred and posted in the third respondent Cooperative Housing Society as Record Clerk on 22.04.1988. Thereafter, he was promoted to various posts and finally he discharged his duty as Secretary in the 3rd respondent Cooperative Housing Society. Thus, the writ petitioner has started his career as Record Clerk in Tirunelveli Divisional Rural Cooperative Housing Society and continued his work until 21.04.1988. Thereafter, from 22.04.1988 until his retirement, he has served in the third respondent Society. The petitioner is entitled to gratuity for the service he has rendered in both the services. However, the respondents 1 and 2 have passed an order stating that from 1982 onwards, the petitioner is entitled to gratuity vide order dated 23.08.2004.

3. As per the calculation sheet submitted by the petitioner, the petitioner is entitled to gratuity for 36 years of his service which comes to Rs.21,55,472/- (Rupees Twenty One Lakhs Fifty Five Thousand and Four Hundred and Seventy Two only). However, the respondents have paid Rs.15,04,382/- (Rupees Fifteen Lakhs Four Thousand Three Hundred and Eighty Two only) and the amount payable is Rs.6,51,090/- (Rupees Six Lakhs Fifty One



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Thousand and Ninety only). The third respondent submits that they are liable to pay Rs.2,80,575/- (Rupees Two Lakhs Eighty Thousand Five Hundred and Seventy Five only) and it will be paid within a period of 5 months. The petitioner is entitled to the said amount. The balance amount is payable by the Tirunelveli Divisional Rural Co-operative Housing Society. However, the said Society is not a party in the present Writ Petition.

4. Therefore, this Court suo moto impleaded the said Society namely, Tirunelveli Divisional Rural Co-operative Housing Society, Tenkasi, now renamed as Tenkasi Taluk Co-operative Housing Society TNVHSG 40, Kannimar Amman Kovil Street, Tenkasi as one of the respondents in this Writ Petition.

5. The petitioner is directed to submit a fresh representation to the said Society and request them to pay the balance amount and shall collect the balance amount from the said Society.

6. The contention of the petitioner is that the said amount would have been transferred to the subsequent employer. However, the same was refuted by the third respondent by stating such amount was not transferred. Therefore,



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the petitioner is at liberty to submit a fresh representation to the proposed 5th respondent. The proposed 5th respondent shall consider and pass orders within a period of four (4) weeks from the date of receipt of a copy of this order.

7. Apart from the above the third respondent is liable to pay Rs.2,80,575/- (Rupees Two Lakhs Eighty Thousand Five Hundred and Seventy Five only) and it shall be paid within a period of 5 months.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

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