



W.P(MD)No.14620 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14620 of 2023

S.N.Subbaiyan

... Petitioner

Vs

- 1.The Registrar of Co-operative Societies,
No.170, Periyar E.V.R.Highways,
Kilpauk,
Chennai – 600 010.
- 2.The Joint Registrar of Co-operative Societies,
Thanjavur,
Thanjavur District.
- 3.The Deputy Registrar (In-Charge),
Pattukottai,
Thanjavur District.
- 4.T.1443, Punavasal Primary Agricultural Co-operative
Credit Society,
Represented by its Secretary,
Punavasal Post,
Pattukottai,
Thanjavur District – 614 803.



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5. The President,
T.1443, Punavasal Primary Agricultural Co-operative
Credit Society,
Punavasal Post,
Pattukottai,
Thanjavur District – 614 803.

... 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 balance retirement monetary benefits to the petitioner including gratuity, provident fund, earned leave and increment for the period 2014 to 2017 which is almost Rs.13,94,473/- along with further interest by considering the petitioner's final representation dated 09.01.2023.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R.1 to R.3

ORDER

Heard the learned counsel on either side.

2. The petitioner worked as salesman in the fourth respondent Society. He retired on 31.03.2020. His grievance is that his terminal benefits have not been settled in full. This is a legitimate grievance. The fourth respondent is obliged to settle the petitioner's benefits in full. However, the fourth respondent Society appears to be having financial difficulties. The case of the petitioner on the other hand is that at present, the Society is possessed of fund



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and since the present Secretary is about to retire, he wants to walk away with all the benefits thereby depriving the petitioner on his dues. The learned Additional Government Pleader seeks time to get instructions.

3. The learned counsel appearing for the petitioner states that the petitioner's wife recently died due to cancer and he is also in urgent need of funds. In any event, the petitioner's entitlement cannot be disputed. In these circumstances, when the institution itself is having financial difficulties, there will have to be a pro-rata distribution. The question of priority will also have to be taken into account. These are matters of detail. The writ Court obviously cannot go into such aspects. I therefore direct the second respondent to look into the issue and dispose of the petitioner's representation and device a proper mechanism for disbursement of the dues payable to him. This shall be done as expeditiously as possible.

4. This writ petition is disposed of accordingly. There shall be no order as to costs.

21.06.2023

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

MGA

To

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