



W.P.(MD).No.16033 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16033 of 2023

D.Gnanaprakasam

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Ramnad,
Ramnad District.

2.Co-operative Sub Registrar/Field Officer,
Kadaladi,
Ramnad District.

3.The Secretary,
No.Q 1236, Sevalpatti,
Primary Agriculture Co-operative Credit Society,
S.Tharaikudi, Kadaladi Taluk,
Ramnad 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 1 to 3 herein to disburse the retirement benefits of the petitioner within a time frame fixed by this Court.

For Petitioner : Mrs.Porkodi Karnan
for M/s.Polax Legal Solutions



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For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the Respondents 1 to 3 herein to disburse the retirement benefits of the petitioner within a time frame fixed by this Court.

2. The petitioner is working as an Attendar in the 3rd respondent Credit Society. Having completed a period of 38 years in service, he attained superannuation on 28.02.2018. On retirement, the respondent society ought to have disbursed his retirement benefits such as gratuity, PF etc amounting approximately Rs.4 Lakhs. The said amount was credited in the 3rd respondent society in the year 2018 itself. However, one Kunjarapandi who was the then Secretary of the 3rd respondent society had misappropriated the funds of the society, including the terminal benefits of the petitioner. As a result of which, the petitioner is not granted with terminal benefits so far. Hence, the petitioner made a representation on 24.04.2023 seeking disbursement of his terminal benefits.



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3. In the meanwhile, departmental enquiry has been initiated as against the delinquent officer Kunjarapandi and he has been directed to appear for enquiry by the 2nd respondent, vide communications dated 29.04.2023 and 08.05.2023. However, the terminal benefits have not paid to the petitioner so far. Hence, this writ petition came to be filed.

4. The learned Additional Government Pleader submitted that the departmental enquiry has been initiated against the said delinquent officer Kunjarapandi who has misappropriated the funds of society and the said enquiry is likely to be concluded within a period of 4 weeks. He further contended that already an account has been created by the delinquent officer in the name of the petitioner and an amount of Rs.1,49,740/- has been credited in the account of the petitioner and further misappropriated by the delinquent officer himself. Hence, only on the conclusion of the enquiry, the disbursement of the terminal benefits of the petitioner could be forwarded.

5. Heard Mrs.Porkodi Karnan, learned counsel for the petitioner and Mr.M.Prakash, learned Additional Government Pleader for the respondents.

6. The submission made by the learned Additional Government Pleader is not legally sustainable because whenever an employee retires, it is his



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fundamental right to receive the terminal benefits in the verge of retirement and non-disbursal of the terminal benefits to the retired employee would amount to violation of principal of natural justice. The departmental enquiry which has been initiated by the respondents as against the delinquent officer Kunjarapandi has nothing to do with the disbursement of the petitioner's terminal benefits. Hence, this Court is inclined to direct the respondents 1 to 3 to disburse the retirement benefits of the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. No costs.

18.07.2023

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

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To

1.The Joint Registrar of Co-operative Societies,
Ramnad,
Ramnad District.

2.Co-operative Sub Registrar/Field Officer,
Kadaladi,
Ramnad District.

L.VICTORIA GOWRI, J.



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3.The Secretary,
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