



W.P.(MD).No.23371 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23371 of 2023

S.Vijayalakshmi

... Petitioner

Vs.

1. The Registrar of Co-operative Housing Society
(Housing)
Tamil Nadu Co-operative Housing Federation Inaya Valagam,
No.48, Rithartan road,
Vepperi, Chennai – 600 007.
2. The Regional Deputy Registrar
(Housing)
Tiruchirapalli – 620 020.
3. The President/Special Officer,
Srirangam Co-operative Housing Society Limited,
R.1251, 82-A, Ammamandapam Road,
Srirangam, Tiruchirappalli – 620 006.
4. The Secretary,
Srirangam Co-operative Housing Society Limited, R-1251,
82-A, Ammamandapam Road,
Srirangam,
Tiruchirappalli – 620 006.

... Respondents



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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 pay the balance retirement amount of Rs.10,24,799/- with interest as claimed in the petitioner's representation dated 14.08.2023.

For Petitioner : Mr.G.S.Asokadhithyan

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader
for R1 and R2

ORDER

The present writ petition has been filed by a Senior Clerk of the third respondent Co-operative Society seeking a mandamus as against the authorities for disbursal of her terminal benefits.

2. According to the writ petitioner, she had submitted her resignation on 14.12.2017 and the same was accepted by the authorities on 30.04.2018. The Society, in which, she had employed, issued a Certificate to the effect that there are no dues from the writ petitioner on the date of acceptance of her resignation.



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3. After her retirement, a sum of Rs.11,40,440/- (Rupees Eleven Lakhs Forty Thousand Four Hundred and Forty only) was disbursed to the writ petitioner. However, the balance amount of Rs.10,24,799/- (Rupees Ten Lakhs Twenty Four Thousand Seven Hundred and Ninety Nine only) is yet to be disbursed to the writ petitioner. Hence, the present writ petition.

4. Per contra, the learned Government Advocate appearing for the respondents had contended that the petitioner had given an undertaking that she would receive the balance amount as and when the Society disburses it to her and she would wait for the same. Hence, she cannot insist upon the balance amount immediately.

5. I have carefully considered the submissions made on either side.

6. The Society, in which the petitioner was working, has issued a Certificate to the effect that there are no dues from the writ petitioner. The said Certificate has also been countersigned by the Deputy Registrar (Housing) Ariyalur. Therefore, it is clear that there are no dues from the writ petitioner on the date of the petitioner resigning from the job. That apart, the



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respondent authority had taken nearly four months to accept the resignation letter from the writ petitioner. It will clearly indicate that they have accepted the resignation letter only after going through all the records and being satisfied with the credential of the writ petitioner. Therefore, at this length of time, no allegation can be made against the writ petitioner.

7. Considering the above said facts, the respondents herein are directed to disburse the balance terminal benefits to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

14.12.2023

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



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