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W.P.No.6054 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM :
THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Writ Petition No.6054 of 2018

A.Thangaraju

... Petitioner

Vs.

1.The Joint Registrar of Co-Operative Society,
Perambalur Region, Perambalur,
Perambalur District.

2.The Deputy Registrar of Co-Operative Society,
Perambalur,
Perambalur District.

3.The President,
R.154, Athiyur Primary Agricultural Co-Operative Credit Society,
Athiyur Village & Post, Kunnam Taluk,
Perambalur District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent in his proceedings bearing Revision Petition No.4/2017/Sa.Pa.(Na.Ka.3379/2017/Sa.Pa.) dated 15.12.2017 and to quash the same and for consequential direction directing the third respondent Society pay settle the retirement benefits (Provident Fund, Gratuity and other attendant benefits) with interest at the rate of 13 ½ % per annum from the



W.P.No.6054 of 2018

date of due till the date of realization to the petitioner.

For Petitioner : M/s.N.Gowri
for M/s.G.Ilamurugu

For Respondents 1 & 2 : Mr.S.Ravikumar,
Special Government Pleader

For Respondent 3 : Mr.A.Selvendran,
Special Government Pleader

ORDER

This writ petition has been filed seeking to settle the retirement benefits with interest by quashing the impugned order dated 15.12.2017 passed by the first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 & 2 and learned Standing Counsel for the third respondent society and perused the materials available on record.

3. The facts of the case is that the petitioner was appointed by the third respondent society on 01.11.1982 and retired from service on 31.01.2015 on attaining superannuation. Thereafter, the retirement benefits of the petitioner



are withhold by the third respondent. Aggrieved by the same, the petitioner filed this writ petition.

4. During the course of hearing, on behalf of the third respondent, a calculation memo is filed. As per the said calculation memo, the petitioner is entitled for retirement benefits for a sum of Rs.13,56,572/-. The amount to be recovered from the petitioner is Rs.5,92,217/-. The petitioner was paid an amount of Rs.3,00,000/- on 26.12.2017. Accordingly, as of now, the petitioner is eligible to receive the retirement benefits of Rs.4,64,355/- and it is stated that the third respondent society is ready to disburse the same.

5. On behalf of the petitioner also a memo of calculation is filed. As per the calculation memo filed by the petitioner, the balance amount payable by the third respondent to the petitioner is Rs.4,66,714/-. The petitioner also claiming interest on the retirement benefits. As there is only less than Rs.3,000/- difference between the calculation memos filed by the petitioner and the third respondent, the eligible benefit to be paid for the petitioner by the third respondent is rounded off to Rs.4,65,000/-. The third respondent has to pay the said amount to the petitioner.



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6. Learned counsel for the petitioner relied on the judgment of this Court in ***C.Ramanathan Vs., Assistant Commissioner for Labour-Gratuity, Office of the Assistant Commissioner for Labour and others, reported in 2012 1 CWC 417*** in support of her contention. The relevant portions of the said judgment are extracted hereunder:

“9. Since the entire amount has been withheld from 30.11.2009, on which date the Petitioner was permitted to retire and such an action of withholding the same has been held to be illegal, the Petitioner would be entitled to interest on the outstanding dues. This Court is of the view that payment of simple Interest at the rate of 10% per annum on the dues, would be just and reasonable.

10. In the light of the above observations, the impugned Order in Pa.Ko.No.340/16, dated 15.04.2016 and the consequential letter of the 3rd Respondent, dated 2.07.2016 are quashed. Consequently, there shall be direction to the Third Respondent herein to disburse the monetary benefits due to the Petitioner owing to his Retirement, as expeditiously as possible, in any event within a period of four (04) weeks from the date of receipt of a copy of this order, together with 10% simple interest per annum on the entire outstanding dues, from his date of Retirement, till the date of actual payment.”



W.P.No.6054 of 2018

7. Having considered the submissions of the learned counsel appearing on either side and on careful examination of the facts and circumstances, this Court is of the considered opinion that the petitioner is entitled for a sum of Rs.4,65,000/- towards retirement benefits from the third respondent. Though the petitioner retired from service with effect from 31.01.2015, the entire retirement benefits are not paid to the petitioner till date. The petitioner is also entitled for the interest for the balance amount to be paid by the third respondent towards retirement benefits.

8. For the above said reasons, this writ petition is allowed with the following directions:

- (i) The order impugned in this writ petition is quashed;
- (ii) The third respondent is directed to pay a sum of Rs.4,65,000/- with interest at the rate of 10% to the petitioner within a period of six weeks from the date of receipt of a copy of the order.
- (iii) There shall be no order as to costs.

09.09.2024

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Index : Yes/No

Speaking Order : Yes/No

Page No.5 of 7



W.P.No.6054 of 2018

Neutral Citation : Yes/No

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BATTU DEVANAND,J.

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To:

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