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W.P.No.9979 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9979 of 2024

R.Venkatasubramani

... Petitioner

Vs

1. The Registrar of Cooperative Societies,
NVN Maalaigai,
Poonamallee High Road,
Kilpauk, Chennai – 10.
2. The Joint Registrar of Cooperative Societies,
Collectorate Backside,
Dharmapuri – 636705.
3. The Deputy Registrar of Cooperative Societies,
Cooperative Complex,
Collectorate Campus,
Dharmapuri – 636 705.
4. The Administrator,
S.971, Kailapuram Primary Agricultural
Cooperative Credit Society,
10/253 Thiru vi ka Nagar,
Harur, Dharmapuri – 636 903.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the 2nd respondents to settle the petitioner's terminal benefits viz. Gratuity,



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Employee Provident Fund, Encashment of Earned Leave, Security Deposits and other retirement benefits along with interest within the stipulated time period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Suryaprakash
For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed for direction directing the 2nd respondents to settle the petitioner's terminal benefits viz. Gratuity, Employee Provident Fund, Encashment of Earned Leave, Security Deposits and other retirement benefits along with interest within the stipulated time period as may be fixed by this Hon'ble Court.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had joined as Secretary in the fourth respondent Society. After attaining the age of superannuation on 31.12.2019, the petitioner was permitted to retire from service. The third respondent informed the petitioner by the communication dated 20.01.2022 stating that the retirement benefits have been withheld due to the audit objections found in the final audit report of the fourth respondent to the



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tune of Rs.11,41,720.30/-. Thereafter, the third respondent, by its communication dated 04.05.2022, ordered for enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 relating to misappropriation of society funds. After receipt of the enquiry report, the petitioner was issued with a notice under Section 87(1) of the Tamil Nadu Cooperative Societies Act, 1983 and thereafter, initiated surcharge proceedings.

4. A perusal of the counter filed by the third respondent revealed that the following amounts are due to the petitioner due to his retirement as follows:-

1.	EPF	8,47,215
2.	Gratuity	7,29,846
3.	Encashment of Earned Leave	87,989
4.	Security Deposit (with interest)	1,000
5.	Other due to the petitioner	-
6.	Total	16,66,050
7.	<u>Deduct</u> As per Deputy Registrar, Dharmapuri Circle /Third Respondent Surcharge Award Dt. 05.12.2023 i. Amount to be recovered ii. Interest upto 20.4.2024 on Surcharge amount iii Total Deduction	 6,05,189.01 5,86,453.00 11,91,642.01
8.	Net terminal benefits to be paid to the petitioner	4,74,408.01



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5. Therefore, after deducting the surcharge amount with interest, the petitioner is eligible for terminal benefits to the tune of Rs.4,74,408.01/-. That apart, the petitioner did not file any revision as against the surcharge proceedings as contemplated under Section 123 of the Tamil Nadu Cooperative Societies Act, 1983. Therefore, the petitioner is entitled only for Rs.4,74,408.01/-. Therefore, the third respondent is directed to disburse a sum of Rs.4,74,408.01/-, as terminal benefits to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

10.07.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
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