



WEB COPY



W.P.No.3386 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM:

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

W.P.No.3386 of 2024

A.Vishwanathan

... Petitioner

-Vs-

1. The Registrar of
Co-operative Societies,
No.10, NVN Maligai,
Kilpauk, Chennai-10.
2. The Deputy Registrar of
Co-operative Societies,
Attur Circle,
Attur, Salem District.
3. SA.62 Periyakalvarayan Lamp
Co-operative Society,
represented by its Administrator,
Sulanguruchi Post,
Pethanayakapalayam Taluk,
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pay the petitioner's balance retirement benefit of Rs.2,42,735/- and delayed payment statutory interest of Rs.3,98,198/- totally for Rs.6,40,924/- and pay further interest till payment.

For Petitioner : Mr.M.S.Palaniswamy



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For R1 and R2 : Mr.P.Sathish
Additional Government Pleader
For R3 : Mrs.M.Jayanthi
Additional Government Pleader
ORDER

This writ petition has been filed for direction directing the respondents to pay the petitioner's balance retirement benefit of Rs.2,42,735/- and delayed payment statutory interest of Rs.3,98,198/- totally for Rs.6,40,924/- and pay further interest till payment.

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

3. The petitioner was appointed as a Clerk on 02.12.1978, in Chinnakalvarayan Lamp Society. It was bifurcated in the year 1987 and the third respondent Society was formed. The petitioner was deputed to work as a Clerk in the third respondent Society. Thereafter, he had become as a Secretary on 01.07.1990. Due to the attainment of age of superannuation, he retired on 29.02.2016. However, the petitioner was paid part of the terminal benefits and part of the terminal benefits were not paid. The third respondent without any valid reason withheld his service benefits, on the ground that his salary was



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objected by the audit of the year 1996-1997. Further, there is no recovery proceedings as against the petitioner, pursuant to the surcharge proceedings.

Therefore, the petitioner submitted representation repeatedly for the remaining service benefits and also claimed applicable interest for the belated payment of his terminal benefits.

4. In view of the above, the respondents are directed to consider the case of the petitioner and disburse the balance retirement benefits of the petitioner and also disburse the applicable interest for the belated payment to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order, if otherwise the petitioner is entitled for the said benefits.

5. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

15.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J,



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mn

To

1. The Registrar of
Co-operative Societies,
No.10, NVN Maligai,
Kilpauk, Chennai-10.
2. The Deputy Registrar of
Co-operative Societies,
Attur Circle,
Attur, Salem District.
3. The Administrator,
SA.62 Periyakalvarayan Lamp
Co-operative Society,
Sulanguruchi Post,
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