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W.P.No.4796 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.4796 of 2021 and
W.M.P.Nos.5425 of 2021

Karunakaran

...

Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative,
Kilpauk, Chennai 600 010.

2. The Joint Registrar,
Perambalur,
Perambalur District.

3. The President,
Ty.spl.125, Kunnam Primary Agricultural
Co-operative Credit Society,
Kunnam, Perambalur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing to implement the order passed by the second respondent, dated 31.07.2017 and thereby directing the 3rd respondent to disburse the retirement benefits payable to the petitioner with interest at the rate of 13.5% from the date of the retirement till the realization of the payment as this Court may deem fit and proper within time frame fixed by this Court.



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For Petitioner : Mr.G.Ilamurugu

For Respondents : No appearance

ORDER

The petitioner who was working as a watchman at the 3rd respondent Cooperative credit Society, Kunnam, Perambalur District was permitted to retire from service on 31.07.2017. As per the order of the 2nd respondent, dated 07.10.2020, the petitioner was sanctioned with the retiral benefits of Rs.11,19,811/- which has to be payable in three installments from 30.10.2020 to 31.12.2021. But so far, the petitioner has not been paid with any of the installments. The petitioner has also made a representation to that effect and the same was not considered by the authorities concerned. Hence, the petitioner has preferred the present Writ Petitioner seeking direction to the respondents to implement the order passed by the second respondent, dated 31.07.2017 and thereby direct the 3rd respondent to disburse the retirement benefits payable to the petitioner with interest at the rate of 13.5% from the date of the retirement till the realization of the payment.



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2. The fact that the petitioner who was working as a Watchman in the 3rd respondent Cooperative Society, retired from service on 31.07.2017, is not denied. In fact, the 2nd respondent has passed the proceeding dated 07.10.2020 in Review Petition No.01/2020/ஈப (ந.க.1949/2020/ஈப), sanctioning the amount of Rs.11,19,811/- as retirement benefits payable to the petitioner. Even though the petitioner has claimed 13.5% towards interest for the said amount, the 2nd respondent has chosen to sanction the retirement benefits without any element of interest.

3. Mr.G.Ilamurugu, learned counsel for the petitioner submitted that the orders of the 2nd respondent dated 07.10.2020 was on consent and hence at that point of time, there is no necessity to press for interest. Once the sanction order is given, the 3rd respondent is bound to settle the retiral benefits to the petitioner without any delay. But, the 3rd respondent has not even settled the first installment as contemplated in the order of the 2nd respondent /Joint Registrar dated 07.10.2020.



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4. It is to be noted that the order of the Joint Registrar, dated 07.10.2020 was not even challenged by the petitioner for not allowing the interest of 13.5% as claimed by him. However, the respondents cannot deny interest of 13.5% for the period of delay that had occurred subsequent to the order passed by the 2nd respondent dated 07.10.2020. Hence, the petitioner is entitled to get interest at 13.5% from the date of order passed by the 2nd respondent dated 07.10.2020 till the date of realization.

5. In the result, this Writ Petition is partly allowed. The Administrator / Special Officer, Ty.spl.125, Kunnam Primary Agricultural, Co-operative Credit Society, Kunnam, Perambalur District is directed to settle the retirement benefits payable to the petitioner along with interest at 13.5% from the date of the Order passed by the 2nd respondent, dated 07.10.2020, till the date of realization, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

19.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum



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Perambalur District.
3. The Administrator / Special Officer,
Ty.spl.125, Kunnam Primary Agricultural
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