



WEB COPY



W.P.No.4246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4246 of 2024 and
W.M.P.Nos.4561 & 4562 of 2024

K.Sendhamilselvan

...Petitioner

-Vs-

1. The Registrar of Co-operative Societies (Housing),
Tamilnadu Co-operative Housing Federation Building,
2nd Floor, No.48, Ritherton Salai, Veppery,
Chennai-600 007.

2. The Deputy Registrar of Co-operative Societies (Housing),
Chengalpattu Region,
No.B-26, Alagesan Nagar,
Chengalpattu-603 001.

3. The Administrator,
G-1351, Nanganallur Co-operative Building Society Ltd,
No.12, 1st Main Road, NCBS Colony,
Nanganallur,
Chennai-600 061

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in his



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proceedings Na.Ka.No.2732/2018/Sa.Pa.1, dated 20.01.2023 and quash the same and consequently directing the respondents to disburse the petitioner's retirement benefits like gratuity, Provident Fund, Earned Leave and Unearned Leave on private affairs and arrears of salary together with interest at the rate of 18% to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 20.01.2023 thereby directed to conduct enquiry under Section 81 of Tamilnadu Co-operative Societies Act, 1983 only after physical audit from the period 01.04.2002, 01.04.2006 and 31.06.2006 to 31.03.2018. The petitioner will be paid retirement benefits such as Gratuity, Provident Fund and Earned Leave and arrears of salary with applicable interest.



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2. The petitioner was appointed as Office Assistant in the 3rd respondent's society and subsequently promoted to the post of Typist. In the year 1993 he was promoted to the post of Accountant and subsequently promoted to the post of Secretary and took incharge on 08.07.2008 and subsequently he was promoted as Secretary on 31.12.2009. As he attained the age of superannuation he retired from service on 31.01.2018. However, the petitioner was not paid with any retirement benefits so far.

3. The learned counsel for the petitioner would submit that when the petitioner made request for the disbursal of his retirement benefits it was not considered by the authorities concerned.

4. On perusal of the impugned order revealed that the petitioner was permitted to retire and insofar as payment of retirement benefits will be considered only after auditing and the time was fixed for one year of completing audit to be done by the petitioner. The petitioner was being the Secretary of the 3rd respondent's Society, he failed to complete the audit from the period 01.04.2002 to 31.03.2018. He failed to furnish any



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documents for final auditing. The petitioner was permitted to retire and the retirement benefits will be disbursed only after completion of auditing.

Therefore, the respondents rightly passed order for enquiry under Section 81 of TamilNadu Co-operative Societies Act, 1983 and also directed the petitioner to complete the auditing for the period from 01.04.2002 to 30.03.2018.

5. Therefore, this court cannot find any infirmity or illegality in the order passed by the first respondent dated 20.01.2023. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No Costs.

22.02.2024

Index : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
gvn

To

The Director,
Indian Institute of Technology (IIT),
Chennai-600 036.



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G.K.ILANTHIRAIYAN,J.
gvn

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