



W.P.No.6628 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM:

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

W.P.No.6628 of 2024

- 1.Sabapathy
- 2.Thillaiyammal
- 3.E.Mohana
- 4.E.Vignesh
- 5.E.Balakumaran

...Petitioners

-Vs-

- 1.The Registrar of Cooperative Societies
Kilpauk, Chennai – 600 010.
- 2.The Joint Registrar/Common Cadre Authority
Nagapattinam Region, Collectorate,
Nagapattinam, Nagapattinam District.
- 3.The Deputy Registrar of Cooperative Societies
Nagapattinam Circle, Collectorate,
Nagapattinam, Nagapattinam District.
- 4.The Administrator
Palaiyur Primary Agricultural Cooperative Credit Society
Palaiyur @ Nagoor, Nagapattinam Taluk
Nagapattinam District.
- 5.The Administrator
Kathiripulam Primary Agricultural Cooperative Credit society
Kathiripulam, Vedaranyam Taluk
Nagapattinam District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to disbursement of the deceased Elango 11 months' salary arrears and Death cum Retirement Benefits like Provident Fund, Gratuity, Earned Leave and Unearned Leave on Private Affairs and group insurance amount together with interest to the petitioners as legal heirs of the deceased Elango by disposing the written representation made by the petitioners on 27.05.2023 within a stipulated time as this Hon'ble Court fixes and pass such orders.

For Petitioners : Mr.C.Prakasam

For Respondents 1 to 3 : Mr.S.Ravikumar
Special Government Pleader.

For Respondents 4 & 5 : Mrs.M.Jayanthi
Additional Government Pleader.

ORDER

This writ petition has been filed for direction directing the respondents to disburse the arrears of salary and death cum retirement benefits of husband of 3rd respondent.

2. The petitioners are legal heirs of one deceased Elango who was working as Secretary in the 4th respondent society. Thereafter, he was transferred from 4th respondent's society to 5th respondent's society by an order dated 10.12.2021 passed by the second respondent. When the deceased Secretary made an attempt to join in the fifth respondent society but he was not



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allowed to join in duty. Simultaneously, he was also not allowed to working in the fourth respondent society. Therefore, the deceased Secretary Elango approached this Court in W.P.No.21515 of 2022 to implement the order of the transfer passed by the second respondent and it is pending in the meanwhile he met with an accident and died on 28.11.2022. Now, the petitioners being the legal heirs of the deceased Elango claiming death cum retirement benefits and also arrears of salary from the date of his transfer to till his demise.

3. The learned counsel for the Respondents would submit that the deceased Secretary Mr.Elango was facing surcharge proceedings and as such the death cum retirement benefits were not settled to his legal heirs.

4. On perusal of the communication dated 18.07.2022 on the file of the fifth respondent issued by the third respondent revealed that due to financial crisis the Secretary was not required and as such requesting the 3rd respondent to transfer the deceased Secretary to some other society. Therefore, there is no reference that the deceased Secretary was facing surcharge proceedings. Further, written instructions revealed that the Audit is going on and after closing of audit, the petitioners will be settled with all death cum retirement benefits of the deceased Secretary i.e., Elango.



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5. In view of the above, the second respondent is directed to consider the request made by the petitioners and disburse all the death cum retirement benefits and arrears of salary of the deceased Secretary Elango if any to the petitioners with applicable interest within a period of twelve weeks from the date of receipt of copy of this order .

6. With the above direction, this writ petition is disposed of. No costs.

13.03.2024
(1/2)

Internet: Yes
Speaking/Non Speaking order
Neutral Citation : Yes/No
gvn

To



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G.K.ILANTHIRAIYAN. J.

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