



W.P.No.8418 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8418 of 2021

R.Tamilselvan

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
(Full Additional Incharge)
Tindivanam Circle, Tindivanam,
Villupuram District.

2.The President,
CL.SPL.156, Nolambur Primary Agricultural
Co-operative Credit Society,
Nolambur, Tindivanam Taluk,
Villupuram District.

3.The President,
CL.SPL.137 Avanipur Primary Agricultural
Co-operative Credit Society,
Avanipur Village & Post,
Tindivanam Taluk,
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to disburse the petitioner's retirement benefits like Gratuity, General Provident Fund,



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Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on Private Affairs as per Section 78 & 79 of the Tamil Nadu Co-operative Societies Act.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.S.Ravikumar, SGP for R3
Mr.M.S.Arasakumar, GA for R1 & R2

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to disburse the petitioner's retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on Private Affairs as per Section 78 & 79 of the Tamil Nadu Co-operative Societies Act.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.S.Ravikumar, learned Special Government Pleader for R3 and Mr.M.S.Arasakumar, learned Government Advocate for R1 & R2.

3. The petitioner was appointed as a Clerk in the third respondent Society on 14.03.1988. The first respondent passed a proceedings in



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Na.Ka.No.1578/2014 Tho.Vae.Sa., on 04.08.2014 by deputing the petitioner to the second respondent Society for the post of Secretary Incharge. This is in view of the erstwhile Secretary of the second respondent Society was suspended from service. The petitioner attained the age of superannuation on 30.11.2017. The second respondent has sent a communication to the first respondent on 05.10.2017 to depute the petitioner to an another Society i.e., the third respondent Society and retire from there.

4. Accordingly, the first respondent passed orders *vide* his proceedings in Na.Ka.No.3060/2017/Tho.Vae.Sa., dated 27.11.2017 and requested the second respondent to relieve the petitioner from the post of Secretary Incharge in order to enable him to retire in the third respondent Society. In compliance of the said order, the petitioner was relieved from the second respondent Society and he joined duty in the third respondent Society and subsequently, retired on 30.11.2017. He was allowed to retire by the third respondent *vide* his proceedings dated 30.11.2017.



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5. However, the first respondent had obtained an inspection report under Section 87 of the Tamil Nadu Cooperative Societies Act and issued notice under Section 87(1) of the said Act to the petitioner and the second respondent Society had passed surcharge orders under Section 87 of the Act *vide* proceedings in Na.Ka.No.2122/2018 Sa.Pa.1, dated 13.05.2019 and in which, the petitioner and the second respondent Society were directed to pay a sum of Rs.11,23,354/-. Against the said order, the petitioner had filed a Writ Petition in W.P.No.6644 of 2021 and in the meanwhile, he also filed a statutory appeal under Section 152 of the Act and the same is pending.

6. Now the petitioner claims that he retired from service and his terminal benefits should be settled and cannot be withheld. The attention of this Court was drawn to the order of retirement issued to the petitioner on 30.11.2017 and in the said order, the petitioner was allowed to retire from service without any condition. The petitioner is said to have given a representation to the third respondent for disbursal of his retirement benefits. But so far it has not been considered by the third respondent.



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7. Since the petitioner was allowed to retire without any condition and the surcharge proceedings are also pending in the Appeal level, the third respondent is directed to consider the representation of the petitioner in accordance with law and on its own merits and pass orders within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observations, this Writ Petition is disposed. No costs.

08.03.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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To

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