



WEB COPY



W.P.No.7938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

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

W.P.No.7938 of 2024

A.Jayavel

... Petitioner

-Vs-

1. The Joint Registrar of Co-operative Societies,
Thiruvanamalai Region,
Thiruvannamalai District.
2. The Deputy Registrar of Co-operative Societies,
Thiruvanamalai Circle,
Thiruvannamalai District.
3. The Management of
H.H.506, Nayampadi Primary Agricultural Cooperative
Credit Society Ltd.,
represented by its Administrator,
Chengam (Tk),
Thiruvannamalai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, direct the respondents to pay the petitioner retirement benefits namely Leave Encashment Rs.2,83,672/- EPF Rs. 30,054/- and Gratuity of Rs.6,39,858/- total sum of Rs.9,53,584/- together with interest @ 12 percentage amounts from the date of retirement i.e 31.07.2022 till the payment is made by considering petitioner detailed representation dated 04.03.2024 within stipulated time fixed by this Honourable Court.



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For Petitioner : Mr.L.P.Shanmugasundaram
For R1 and R2 : Mr.S.Ravikumar
Special Government Pleader
For R3 : Mr.K.Suresh
Government Advocate

ORDER

This writ petition has been filed for direction directing the respondents to pay the petitioner retirement benefits namely Leave Encashment Rs.2,83,672/- EPF Rs.30,054/- and Gratuity of Rs.6,39,858/- total sum of Rs.9,53,584/- together with interest @ 12 percentage amounts from the date of retirement i.e 31.07.2022 till the payment is made by considering the petitioner's detailed representation dated 04.03.2024 within stipulated time fixed by this Honourable Court.

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

3. The petitioner had joined as Salesman in the third respondent Society and thereafter, he was promoted to the post of Junior clerk. The petitioner was permitted to retire from service on attainment of superannuation, on 31.07.2022. However, the petitioner was not disbursed with EPF, gratuity and



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leave encashment. It was retained by the third respondent. Therefore, the petitioner submitted a representation seeking disbursal of his retirement benefits.

4. On instructions, the learned Special Government Pleader appearing for the respondents 1 and 2 submitted that when the petitioner was working as Secretary in-charge of Primary Agricultural Cooperative Credit Society at Periyakilampadi from 12.01.2011 to 30.08.2014, he had committed irregularity by disbursal of loan and he also failed to take any steps to recover the loan disbursed to the general public. Therefore, the Deputy Registrar of Cooperative Society, Thiruvannamalai region passed an order dated 16.07.2022, thereby ordered to recover a sum of Rs.7,58,969/- and the same was duly communicated to the third respondent. However, no action has been taken as against the petitioner so far.

5. Admittedly, so far no enquiry has been conducted as against the petitioner and no disciplinary proceeding has been initiated as against the petitioner. Therefore, the respondents are directed to consider the representation submitted by the petitioner dated 04.03.2024 seeking terminal



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benefits, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

26.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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To

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The Management of
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G.K.ILANTHIRAIYAN. J.

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