



WEB COPY



W.P.No.9280 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM:

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

W.P.No.9280 of 2022

K.Pushpalatha

...Petitioner

-Vs-

1.The Deputy Registrar of Co-operative Societies,
Dharmapuri – 636 705.

2.The Sales Officer,
Office of the Deputy Registrar of Co-operative Societies,
Dharmapuri – 636 705.

3.The Secretary,
Dharmapuri District Co-operative institutions Employees,
Co-op Thrift and Credit Societies Limited, DD186,
Weareous Colony,
Dharmapuri – 636 701.

4.The Managing Director,
K.K 151, Harur Agricultural Producers,
Co-operative Marketing Society Limited,
Harur,
Dharmapuri – 636 903.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to consider and dispose of the representations dated 05.11.2021 with regard to disbursal of retirement benefits of the Petitioner's husband of Mr.D.S.Muralidharan on



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31.07.2014 while working in the 4th Respondent Society, with interest for the delayed payment and also directing the 4th Respondent to refund the LIC amount of Rs.3,34,000/- to the Petitioner with interest from November 2014 and also to settle loan amount due to the 3rd Respondent Society.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This writ petition has been filed for direction directing Respondents to consider and dispose of the representations dated 05.11.2021 with regard to disbursal of retirement benefits of the Petitioner's husband of Mr.D.S.Muralidharan on 31.07.2014 while working in the 4th Respondent Society, with interest for the delayed payment and also directing the 4th Respondent to refund the LIC amount of Rs.3,34,000/- to the Petitioner with interest from November 2014 and also to settle loan amount due to the 3rd Respondent Society.

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

3. The husband of the petitioner was serving as a Clerk in Harur



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Agriculture Producer's Co-operative Marketing Society Ltd., from 05.10.1987.

He died on 31.07.2014, while he was in service, leaving behind the petitioner and son. Therefore, the petitioner, being his wife, made a request to disburse the retirement benefits due. She had also submitted a No Objection Certificate from her son for the payment of retirement benefits to the petitioner.

4. On receipt of the said representation, the fourth respondent, by a communication dated 03.09.2014, informed that while her husband was working as a Salesman in the Pharmacy attached to the Society, Stock verification was conducted. On stock verification, it was found that a sum of Rs.6,62,748.88/- being the sale proceeds of medicines, was not remitted to the Society. Therefore, the petitioner was directed to remit the said amount for settling the retirement benefits. Thereafter, by a communication dated 26.12.2014, the fourth respondent informed the petitioner that a sum of Rs.3,34,000/- was received by way of final payment of LIC has been adjusted towards the dues. That apart, her husband had also obtained a loan of Rs.2,44,955/- from the Co-operative institutions employees Co-operative Thrift and Credit Society under loan number 4369 on 20.01.2014. The said loan being repayable in 40 monthly installments with interest at the rate of 14.5% p.a. Since the loan was not paid with interest, in order to recover the said amount,



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the respondents initiated proceedings in E.P.No.87 of 2016. There is a due to the tune of Rs.4,90,116/-.

5. Therefore, the fourth respondent is directed to pass appropriate orders for any recovery or any disbursement due to retirement of the petitioner's husband, 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.

02.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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