



WEB COPY



W.P.No.11007 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11007 of 2024

S.Meenakshi

.. Petitioner

Versus

1. The District Collector,
Dharmapuri District, Dharmapuri.
2. The Joint Director (Agro-Engg),
O/o. The Joint Director,
Dharmapuri.
3. The Co-operative Audit Office,
K.K.375 Nallampalli Co-operative Agro
Service Society Ltd.,
Nallampalli, Dharmapuri District.
4. The Secretary,
K.K.375 Nallampalli Co-operative Agro
Service Society Ltd.,
Nallampalli, Dharmapuri District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Mandamus directing the 2nd and 4th respondents
to pay the retirement benefits of gratuity, computation arrears, etc. along



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with interest at 18% in employee namely C.Palani, S/o.Chinnasamy based on the petitioner's representation, dated 10.08.2021.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader
for RR-1 and 2

: Mr.R.P.Murugan Raja,
for RR-3 and 4

ORDER

This Writ Petition is filed for a direction to the respondent Nos.2 and 4 to pay the retirement benefits i.e., gratuity, computation arrears etc., of the petitioner's husband along with interest at the rate of 18% per annum based on the petitioner's representation, dated 10.08.2024.

2. The grievance of the petitioner is that the petitioner's husband was working as a Store Keeper in the third respondent Co-operative Society. While so, he superannuated from service in the year 2011. Even though he superannuated from service, citing that a loan amount was pending, none of the terminal benefits were paid. As a matter of fact, the petitioner's husband has given certain undertakings and requested for waiver of interest.



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However, the respondents have no jurisdiction to withhold the entire amount. While so, the petitioner's husband also died on 21.08.2021. Even thereafter, the petitioner has been making representations, however, the same have not been considered by the fourth respondent and therefore, the petitioner prays for a direction to the respondent Nos.2 and 4 to pay the said amount.

3. Admittedly, the fourth respondent is a Co-operative Society. If a Co-operative Society does not pay the amount, the remedy for the petitioner is to approach the appropriate authority namely, the Joint Registrar of Co-operative Societies under Section 153 of the *Tamil Nadu Co-operative Societies Act, 1983*. This Court cannot direct the Co-operative Society as such because it is not a local or other authority within the meaning of Article 12 of the Constitution of India. Therefore, the petitioner shall file an appropriate Revision Case under Section 153 of the *Tamil Nadu Co-operative Societies Act, 1983*. Upon the petitioner filing the Revision Case, the appropriate authority shall call for the records on the file of the Co-operative Society, examine the same and direct payment of the arrears of the amount, if any payable, as per law. The decision must be taken after



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granting due opportunity to the petitioner as well as the fourth respondent
Co-operative Society.

4. With the above observations, this Writ Petition is disposed of.

There shall be no order as to costs.

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

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O/o. The Joint Director,
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D.BHARATHA CHAKRAVARTHY, J.

grs

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