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W.P.No.11377 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.11377 of 2020

V.V.Rajendran

...

Petitioner

/vs/

1. The Registrar of Co-operative Societies,
NVN, Somu Maaligai,
No.170, EVR Periyar Salai,
Kilpauk,
Chennai – 600 010.

2. The Joint Registrar of Co-operative Societies /
Managing Director,
Dharmapuri District Central Co-op. Bank Ltd.,
Dharmapuri.

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

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the second respondent dated 06.03.2020 in R.C.No.142/2019/AM(P) and to quash the same, consequently direct the respondents to disburse the Gratuity, General Provident Fund, Special Provident Fund and Encashment of Earned and Unearned Leave Salary and



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Pension Benefits with interest to the petitioner forthwith.

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For Petitioner ... Mr.C.Prabakaran

For Respondents ... Mr.P.Sathish
Additional Govt. Pleader R1 & R3

Ms.Girija
for Mr.L.P.Shanmugasundaram for R2

ORDER

Heard Mr.C.Prabakaran, the learned counsel for the petitioner,
Mr.P.Sathish, the learned Additional Government Pleader for R1 & R3 and
Ms.Girija, the learned counsel for R2.

2. The petitioner has filed this writ petition challenging the impugned order passed by the second respondent in R.C.No.142/2019/AM(P) dated 06.03.2020 and to direct the respondents to disburse the Gratuity, General Provident Fund, Special Provident Fund and Encashment of Earned and Unearned Leave Salary and Pension Benefits with interest forthwith.

3. Mr.C.Prabakaran, the learned counsel for the petitioner, submitted that the petitioner was retired from service on 31.05.2016 subject to the



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outcome of the pending criminal case filed against the petitioner. However, the petitioner's terminal benefits have not been disbursed to him till date.

Hence the petitioner has given a representation to the second respondent and the same was rejected by the second respondent vide impugned order dated 06.03.2020 in R.C.No.142/2019/AM(P). Aggrieved over which, the present writ petition has been filed.

4. However, Ms.Girija, the learned counsel for the second respondent, submitted that partial terminal benefits have been settled to the petitioner. To that effect the following has been stated in counter of the second respondent:

“ 6. .. the petitioner sent the representations dated 06.08.2019 and 27.08.2019 claiming his retirement benefits followed by his detailed representation dated 27.12.2019. Pursuant to the orders of this Hon'ble Court made in W.P.No.29806 of 2019 which was filed by this petitioner earlier, this second respondent had considered and disposed of the representation dated 06.08.2019 of the petitioner in accordance with law. Accordingly, the Bank has passed the order dated 06.03.2020 stating that the Provident Fund amount of Rs.3,96,880/- has been settled; since, he was found to be responsible for certain other irregularities as stated supra, and that the surcharge proceedings and disciplinary action were pending against



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him, the remaining terminal benefits of Gratuity Rs.15,10,857/- and encashment of leave amounting to Rs.6,28,318/- alone are to be settled.”

4.1 It is further submitted that the petitioner has been imposed with a total fine of Rs.1,05,000/- while he was working in various societies.

5. If the remaining retiral benefits which are to be settled to the petitioner exceeds the above amount, there is no necessity to withhold the difference. Hence, the respondents are directed to consider the representation of the petitioner afresh and pass appropriate orders on disbursal of the rest of the terminal benefits subject to the fine imposed on the surcharge proceedings initiated against the petitioner. It is needless to state that in the event of any orders passed in surcharge proceedings, the petitioner is at liberty to challenge the same in the manner known to law.

6. With the above direction, this Writ Petition is disposed. No costs.

01.03.2024



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Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To:

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R.N.MANJULA ,J.

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