



WEB COPY

W.A.Nos. 2775 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.10.2024

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.A.No. 2775 of 2024

and CMP.Nos. 20321 of 2024

The Management

ZC80, Mahadevapattinam Primary

Agricultural Co-operative Credit Society Ltd.,

Represented by its Special Officer,

Mahadevapattinam, Tiruvarur District.

.. Appellant

Vs

1.G.Pannerselvam

2.The Registrar of Co-operative Societies,

No.170 Periyar & V.R High Road,

Kilpauk, Chennai-600010.

3. The Joint Registrar of Co-operative Societies

Tiruvarur District.

4.The Deputy Registrar of Co-operative Societies,

Mannarkudi Circle,

Tiruvarur Distirct.



Prayer : Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order made in W.P.No. 3217 of 2024, dated 13.02.2024 and allow the writ appeal.

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For Appellant : Mr. D.Venkatachalam

For Respondents : Mr. V.Sivlingam - R1

JUDGMENT

(Order of the Court was made by the D.Krishnakumar, J)

Aggrieved by the order of the writ court made in W.P.No.3217 of 2024 dated 13.02.2024, the present writ appeal has been filed.

2. By consent of both the parties, this writ appeal is taken up for hearing.

Brief facts:

3. The 1st respondent was worked as a senior clerk in the appellant-society and retired from service on 30.06.2015. Since there is outstanding balance of Rs.6,26,504/- towards the terminal benefits payable to the 1st respondent, he filed a writ petition in W.P.No. 3217 of 2024. The writ court by order dated 13.02.2024, directed the appellant-society to pay the outstanding terminal benefits along with interest at the rate of 12% per annum. Challenging the said order of the writ court, the appellant-society has filed the



present writ appeal.

4. Today, the learned s counsel appearing for the appellant has filed an undertaking affidavit before this Cour to settle the admitted terminal benefits.

The relevant paragraph no. 6 is extracted below;

“I hereby undertake to settle the admitted terminal benefits of a sum of Rs.6,26,504/- in 6 equal monthly installments without any interest from the upcoming month to the first respondent”

5. The learned counsel for the 1st respondent would submit that the writ court had directed the appellant herein to pay the interest at the rate of 12% per annum, therefore this Court may direct the appellant to pay the interest amount as directed by the writ court.

6. In reply, the learned counsel for the appellant would submit that the appellant-Society already facing severe financial crises, therefore the appellant is not in a position to pay the interest amount, as ordered by the writ court.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsels appearing for the parties concerned,



we accept the undertaking affidavit filed by the appellant for payment of outstanding dues of sum of Rs.6,26,504/- in six equal monthly installments.

Insofar as interest amount is concerned, the appellant shall pay the interest at the rate of 6% per annum from the date of filing of writ petition i.e 07.02.2024 to the date of last installment (6th installment). The payment of outstanding dues, along with the interest amount, to the 1st respondent shall be completed by the last date of the monthly installment.

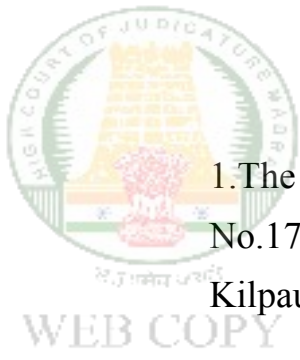
8. Recording the undertaking affidavit filed by the appellant-society and the submissions made by the learned counsels appearing for the parties concerned, this writ appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(D.K.K., J.) (P.B.B., J.)
14.10.2024

Index: Yes / No
Internet: Yes
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