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W.P.No.19116 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.19116 of 2021

S.Kandasamy

... Petitioner

Vs.

1.The Joint Registrar,
Co-operative Societies,
Villupuram Zone, Villupuram.

2.The Management,
Pennagar Primary Agricultural Co-operative Credit Society,
Rep by its Secretary,
Pennagaram, Gingee Taluk,
Villupuram 604 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to implement the order of the first respondent dated 19.03.2021 in Na.No.1715/2019/SaBa passed under Section 153 of the Tamil Nadu Co-operative Societies Act by paying the terminal benefits of the petitioner and arrears of pay along with interest at the rate of 10% per annum from February 2018 till actual payment is made within the time frame stipulated by this Court.

For Petitioner : M/s.R.Kamatchi Sundaresan
For Respondents : Mr.S.Ravikumar, SGP (Co-op) for R1
Mr.L.S.M.Hasan Fizal, AGP for R2



W.P.No.19116 of 2021

WEB COPY

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the second respondent to implement the order of the first respondent dated 19.03.2021 in Na.No.1715/2019/SaBa passed under Section 153 of the Tamil Nadu Co-operative Societies Act by paying the terminal benefits of the petitioner and arrears of pay along with interest at the rate of 10% per annum from February 2018 till actual payment is made within the time frame stipulated by this Court.

2. Heard M/s.R.Kamatchi Sundaresan, learned counsel for the petitioner, Mr.S.Ravikumar, learned Special Government Pleader (Co-op) for R1 and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader for R2.

3. The learned counsel for the petitioner submitted that even as per the proceedings of the first respondent dated 19.03.2021, it has been admitted that the petitioner is entitled to receive retirement benefits of Rs. 8,94,415/-. Even though the proceedings had been passed as early as



W.P.No.19116 of 2021

in the year 2021, the said amount has not yet been disbursed till now.

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4. The learned Special Government Pleader for the first respondent submitted on instructions that the total emoluments due to be paid to the petitioner is only Rs.7,71,135/- and out of which, a part payment has been made and the balance amount is only Rs.5,35,000/-.

5. Today when the matter was taken up, the learned Special Government Pleader for the first respondent offered a cheque for Rs.4,00,000/- towards part payment of terminal benefits payable to the petitioner. It is needless to state that the delayed payment would carry the element of interest as well and further in the proceedings dated 19.03.2021 itself it has been admitted that the petitioner is entitled to get the retirement benefits of Rs.8,94,415/-. So it is not known how it is now represented before this Court that the petitioner is entitled to only Rs.7,71,135/-.

6. Whatever may be the financial status of the respondents, the retired employees like the petitioner cannot be made to wait for years to



W.P.No.19116 of 2021

enjoy their retirement benefits in order to meet out the essential commitments of their family. Hence, I feel it is essential that the respondents should be sensitive enough while considering the request of the petitioner and do the needful and pay the rest of the retirement benefits also along with interest. As far as provident fund is concerned, the interest will be as per the statutory rate of interest and for the rest of the payment, if any, it will be at the rate of 6% from 19.03.2021 till the date of settlement.

7. With the above Observations, this Writ Petition is disposed. The respondents are directed to disburse the retirement benefits of the petitioner *viz.*, provident fund along with statutory rate of interest and other terminal benefits along with 6% rate of interest within a period of four weeks from the date of receipt of a copy of this order. No costs.

16.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
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W.P.No.19116 of 2021

To

- 1.The Joint Registrar,
Co-operative Societies,
Villupuram Zone, Villupuram.
- 2.The Secretary,
Pennagar Primary Agricultural Co-operative Credit Society,
Pennagaram, Gingee Taluk,
Villupuram 604 001.



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W.P.No.19116 of 2021

R.N.MANJULA, J.

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W.P.No.19116 of 2021

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