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Writ Petition No.24732 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24732 of 2024

Mrs.Rani

W/o.Late E.Ranganathan

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Salem Region, Salem - 636 001.

2. The Administrator,
S.681 Chinnatirupathi Urban
Co-operative Credit Society,
Chinnatirupathi,
Salem - 636 008.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus to direct the 2nd respondent to settle the petitioner's husbands' terminal benefits viz. Gratuity, Employee Provident Fund, Encashment of Earned Leave, Security Deposits and other retirement benefits along with interest of 10% within the stipulated time period as may be fixed by this Court.

For Petitioner : Mr.R.Balaramesh



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For Respondents : Mr.C.Selvaraj
Additional Government Pleader [R1]
Mr.P.Ganesan,
Government Advocate [R2]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the second respondent to settle the terminal benefits of the petitioner's husband along with interest.

2. Heard Mr.R.Balaramesh, learned counsel for petitioner, Mr.C.Selvaraj, learned Additional Government Pleader appearing for first respondent and Mr.P.Ganesan, learned Government Advocate appearing for second respondent.

3. The case of the petitioner is that her husband worked as a Secretary at Chinnatirupathi Urban Co-operative Credit Society. The first respondent, through proceedings dated 28.08.2019, ordered for inspection under Section 82 of the Tamil Nadu Co-operative Societies Act. Certain deficiencies were detected. Therefore, an Enquiry Officer was appointed for conducting an enquiry and he submitted a report on 27.11.2019. He recommended for initiation of surcharge proceedings against the



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petitioner's husband and other delinquent officers for the loss caused to the society to the tune of Rs.13,41,270/-.

4. The husband of the petitioner died on 20.03.2018. In spite of the same, surcharge award was passed by the first respondent through proceedings dated 17.05.2022 as against the dead person. The surcharge award was challenged before this Court in W.P.No.20191 of 2023. This Court, by an order dated 18.08.2023, set aside the surcharge award insofar as the petitioner's husband since he had died even before the surcharge award was passed.

5. Pursuant to the above development, the surcharge proceedings itself came to an end after the order was passed by this Court in W.P.No.20191 of 2023, dated 18.08.2023. In view of the same, in the absence of any prohibition, the petitioner is entitled to receive the retirement benefits of her husband.

6. In the result, there shall be a direction to the respondents to settle the retirement/terminal benefits of the petitioner's husband within a

N.ANAND VENKATESH, J



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period of eight (8) weeks from the date of receipt of a copy of this order.

If there is any delay in settling the retirement/terminal benefits beyond the period fixed by this Court, the petitioner will be entitled for interest at the rate of 6% from the date when the retirement/terminal benefits are liable to be paid till the date of actual payment.

This writ petition is disposed of with the above direction. No costs.

28.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

1. The Deputy Registrar of Co-operative Societies,
Salem Region, Salem - 636 001.
2. The Administrator,
S.681 Chinnatirupathi Urban
Co-operative Credit Society,
Chinnatirupathi,
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