



Writ Petition No.24876 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24876 of 2023

K.Ravi

.. Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Thiruvannamalai Region,
Thiruvannamalai
2. The Co-operative Sub Registrar /Field Officer,
Kalasapakkam Circle, Kalasapakkam – 606 751
Tiruvannamalai District.
3. The Taluk Supply officer,
(Public Distribution System (PDS))
Kalasapakkam Circle, Kalasapakkam,
Tiruvannamalai District 606 751
4. The Secretary / President,
HH-515 Pillur Primary Agricultural
Co-operative Credit Society Limited,
Kalasapakkam Circle, Kalasapakkam,
Tiruvannamalai District 606 751

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India,



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praying for issuance of a Writ of Mandamus directing the respondents herein to forthwith settle the retirement benefits i.e the Gratuity, Earn Leave Salary, Provident Funds, Arrears of Dearness Allowance etc., to the petitioner by considering his representation dated 22.06.2024.

For Petitioner : Mr.A.Bhaskaran
for Ms.A.Bharathi
For Respondents : Mr.S.Ravi Kumar
Special Government Pleader
for R1 to R3
Mr.B.Vijay
for R4

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to settle the retirement benefits of the petitioner by considering the representation made by the petitioner on 22.06.2024.

2. Heard Mr.A.Bhaskaran, for Ms.A.Bharathi, learned counsel for the petitioner and Mr.S.Ravi Kumar, learned Special Government Pleader for respondents 1 to 3 and Mr.B.Vijay, learned counsel for 4th



respondent.

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3. The case of the petitioner is that he retired from service after rendering 30 years of service on attaining the age of superannuation on 27.06.2022. The petitioner was entitled for the settlement of the retirement benefits. The grievance of the petitioner is that even though the petitioner is entitled for a total sum of Rs.13,88,451/-, only a sum of Rs.4,00,000/- was settled to the petitioner and a balance amount of Rs.9,88,451/- is yet to be settled to the petitioner.

4. The repeated representations made by the petitioner only resulting in a response that the society is not having the financial wherewithal to settle the retirement benefits. Left with no other option, the present writ petition has been filed before this Court.

5. The learned Special Government Pleader appearing for respondents 1 to 3 submitted that the society is in financial doldrums and therefore, the society is not in a position to settle the entire retirement benefits. The learned Special Government Pleader therefore requested this Court to grant sufficient time for the society to settle the retirement benefits



to the petitioner.

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6. In the considered view of this Court, the petitioner has put in nearly 30 years of service and had retired in the year 2022. The petitioner is completely dependant upon his retirement benefits for his livelihood after the retirement. Admittedly, a sum of Rs.13,88,451/- is due and payable to the petitioner. For the last two years, only a sum of Rs.4,00,000/- has been paid to the petitioner. The petitioner cannot be left high and dry after retirement and the financial problem of the society by itself cannot be a ground to deprive the petitioner of his retirement benefits. The retirement benefits is akin to a property for which there is a Constitutional right provided under Article 300A of the Constitution of India. Therefore, the petitioner cannot be deprived of such a right.

7. In the light of the above discussion, there shall be a direction to the 4th respondent to settle the balance retirement benefits to the tune of Rs.9,88,451/- within a period of eight weeks from the date of receipt of a copy of this order. If the amount is not settled within a period of eight weeks as fixed by this Court, the retirement benefits will carry an interest at the rate of 6% per annum from the date it became due and payable till the date



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of actual payment.

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

02.09.2024

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

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Thiruvannamalai
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N.ANAND VENKATESH, J

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