



W.P.No.32808 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.32808 of 2024

A.P.Shanmugam

...Petitioner

Vs

1. The Joint Registrar,
Co-Operative Society, Tiruppur Region,
410.4th Floor, Collectorate Valagam,
Palladam Raod, Tiruppur – 4

2. The Administrator,
Avinashi Agricultural Producers,
Co-operative Marketing Society Limited,
No.K 1007, Avinashi – 641 654
Tiruppur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to disburse the amount of Rs.9,13,770/- for earned leave of 240 days in view of the representation dated 02.05.2024 given by the petitioner to the second respondent without insisting undertaking affidavit in Rs.100 Non-Judicial Stamp papers and further directing the second respondent give interest from 01.05.2024 to date on which the amount is disbursed and pass orders.

For Petitioner

: Mr.P. Tamilavel

For Respondent – 1

: Mr.M.Muthusamy

Government Advocate

For Respondent- 2

: Mr.R. Vigneshwaran

Government Advocate



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ORDER

This petition is filed seeking to issue a Writ of Mandamus directing the second respondent to disburse the amount of Rs.9,13,770/- for earned leave of 240 days in view of the representation dated -2.05.2024 given by the petitioner to the second respondent without insisting undertaking affidavit in Rs.100 Non-Judicial Stamp papers and further directing the second respondent give interest from 01.05.2024 to date on which the amount is disbursed and pass orders.

2. The facts of the case is that the petitioner is a retired employee from the Respondent/Society. The grievance of the petitioner is that the second respondent has not disbursed his earned leave benefit which amounts to Rs.9,13,770/- for 240 days. The Registrar, Co-operative Society, Chennai subsequently has issued circular dated 31.07.2024 stating that the 3rd Respondent has to get an affidavit of undertaking, in 100 Rupees Non-Judicial stamp paper, from the retired persons stating that they should pay any amount pending against them. However, the said circular would not applicable to the petitioner, due to which he made a representation to the second respondent on 02.05.2024. However, the



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same was not considered till date. Hence, this petition.

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3. The learned counsel for the petitioner submitted that the respondent issued circular on 31.07.2024, wherein it was stated that the retired employees should give an undertaking affidavit in a non-judicial stamp paper stating that he will pay the loss suffered if any, to the second respondent. It is further stated that the petitioner retired on 30.04.2024, whereas the circular was issued only on 31.07.2024 and the same is not applicable to the petitioner. Hence, prays to allow this petition.

4. The learned Government Advocate appearing for the second respondent filed a counter affidavit, wherein it was stated that they will pay the amount due to the petitioner once the audit is completed. He further submitted that they had informed the same to the petitioner vide letter dated 28.11.2024.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records, this Court is of the view that the



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Respondent has no authority to withhold the encashment of accumulated earned leave and the same has to be disbursed once the employee attains superannuation. There is no justification in withholding the terminal benefits after the petitioner has attained the age of superannuation.

7. Considering the facts and circumstances of the case this Court directs the respondents to disburse the amount of earned leave within a period of six weeks from the date of receipt of a copy of this order. **The petitioner is at liberty to proceed the case with regard to interest and belated payment in the manner known to law.**

9. With the above observations this writ petition stands disposed of. No order as to costs. **However, the respondents can proceed as per law against the petitioner, if he has caused loss to the society.**

11.12.2024

Index: Yes/No
Speaking order/Non-speaking order
smn

To.
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Co-Operative Society, Tiruppur Region,



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V.BHAVANI SUBBAROYAN,J.

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