



W.P.No.34222 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34222 of 2023

Parvathakumari

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
Namakkal Taluk,
Namakkal

2.The Administrator,
S.A.42A, Vinayagar Primary Agricultural Cooperative Credit Society,
Namakkal Taluk,
Namakkal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the second respondent to settle the petitioner's terminal benefits viz. Gratuity, Employee Provident Fund, Encashment of Earned Leave, Security Deposits and other retirement Benefits along with interest within the stipulated time period as may be fixed by this Court.

For Petitioner : Mr.R.Suryaprakash

For Respondents : Mrs.P.Vijaya Devi,
Government Advocate

ORDER

This writ petition has been filed for direction to the second respondent to settle the terminal benefits such as gratuity, employee



W.P.No.34222 of 2023

provident fund, encashment of earned leave, security deposits and other retirement benefits of the petitioner with interest.

2. The petitioner joined as Clerk in the second respondent Society. Subsequently, she was periodically promoted to various posts. Finally, she was promoted to the post of Secretary. Due to her attainment of age of superannuation, she was permitted to retire from service on 30.06.2018. However, the petitioner's retirement benefits have not been disbursed so far.

3. The learned Government Advocate appearing for the respondents would submit that the petitioner failed to recover the loan amounts which were availed by the members of the Society. That apart, the petitioner disbursed loan to the tune of Rs.59 lakhs which exceeds her limit. Therefore, the petitioner was not settled with any retirement benefits.



W.P.No.34222 of 2023

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4. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

5. Admittedly the petitioner has not been served with any charge memo so far with regards to the allegations levelled against the petitioner. The petitioner was permitted to retire on 30.06.2018. Further, on perusal of the records, revealed that circular dated 13.04.2017 was issued by the first respondent, thereby directed all the Primary Agricultural Cooperative Credit Societies not to initiate any legal or statutory proceedings and also directed all the Societies not to issue any statutory notice to the defaulters / members who availed crop loans until further orders. Further, on the eve of retirement of the petitioner, the Cooperative Sub Registrar, by its communication dated 23.08.2018, had sent recommendation to the Deputy Registrar of Cooperative Society, Namakkal, thereby recommended to retire the petitioner. Accordingly, there is no disciplinary proceedings pending against the petitioner and there is no criminal case and also there are no surcharge proceedings pending against the petitioner. Further, there was no audit objection



W.P.No.34222 of 2023

pending till the retirement referring to any recovery of loan dues.

Therefore, she was duly permitted to retire from service. Only after her retirement on 30.06.2018, another circular was issued by the first respondent dated 03.10.2018 withdrawing the earlier circular dated 13.04.2017 and all the Cooperative Societies were at liberty to recover the loans from its members. Therefore, there is absolutely no reason to hold the terminal benefits of the petitioner which she is entitled for.

6. In view of the above, the second respondent is directed to settle the petitioner's all terminal benefits with interest at the rate of 6% per annum within a period of twelve weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

22.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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W.P.No.34222 of 2023

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To

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Namakkal Taluk,
Namakkal
- 2.The Administrator,
S.A.42A, Vinayagar Primary Agricultural Cooperative Credit Society,
Namakkal Taluk,
Namakkal



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W.P.No.34222 of 2023

G.K.ILANTHIRAIYAN, J.

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W.P.No.34222 of 2023

22.07.2024