



WEB COPY



W.P.No.28401 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM :
THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Writ Petition No.28401 of 2018
and W.M.P.No.33117 of 2018

M.Ganesan

... Petitioner

Vs.

1.The Joint Registrar of Co-Operative Society,
Villupuram Region, Villupuram,
Villupuram District.

2.The President,
Dhadhapuram Primary Agricultural Coop. Credit Society,
Dhadhapuram & Post, Tindivanam Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to disburse the retirement benefits like Gratuity, Provident Fund, Earned Leave Salary and unearned leave salary on private affairs and other Monetary Benefits to the petitioner as per U/s. 78 and 79 of Tamil Nadu Coop. Societies Act by implementing the order passed by the first respondent in his proceedings Na.Ka.1802/2018/Sa.Pa, dated 18.05.2018.

For Petitioner : Mr.C.Prakasam



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For Respondent 1 : Mr.S.Ravikumar,
Special Government Pleader

For Respondent 2 : Mr.L.P.Shanmugasundaram

ORDER

This writ petition has been filed seeking direction to the respondents to disburse the retirement benefits i.e., Gratuity, Provident Fund, Earned Leave Salary and Unearned Leave Salary on private affairs and other Monetary Benefits to the petitioner as per Section 78 and 79 of Tamil Nadu Co-operative Societies Act by implementing the order in Na.Ka.1802/2018/Sa.Pa, dated 18.05.2018 issued by the first respondent.

2. The learned counsel for the petitioner submits that the petitioner, who worked as Secretary In-charge of the second respondent society applied for medical leave on 13.06.2012 and his health condition could not improve, he decided to resign the job. Accordingly, he tendered his resignation on 12.07.2012 to the second respondent and the same was accepted by the second respondent. Thereafter, the monetary benefits, for which the petitioner is entitled are not paid to the petitioner. Requesting for settlement



of the monetary benefits, the petitioner submitted several representations to the second respondent and as the said representations are not considered, the petitioner filed the present writ petition.

3. On behalf of the respondents, a counter affidavit has been filed. In the counter affidavit, it is averred that the society is willing to settle the entitlement of the petitioner claim of retirement benefits, but due to non-availability of funds, it will be paid in four or five installments, as it was done in respect of other retired employees of the society.

4. The learned standing counsel appearing for the second respondent submits that the petitioner is entitled for a sum of Rs.11,02,260/- under various heads and the learned counsel for the petitioner also accepted that the petitioner is entitled for the said amount.

5. The learned standing counsel appearing for the second respondent further submits that in view of the poor financial condition of the second respondent society, they are not in a position to pay the entire amount at a time and at present, they are paying a sum of Rs.3,00,000/- by way of cheque



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bearing No.007190 dated 18.09.2021 drawn on the Villupuram District Co-Operative Bank Limited dated 18.09.2024 in favour of the petitioner and placed the same before the Court. Learned standing counsel appearing for the second respondent further submits that if four months time is granted, they will settle the entire balance amount to the petitioner.

6. The learned counsel for the petitioner submits that from the year 2012, the petitioner could not get any single penny from the second respondent society and he is suffering with ill-health and he has to attend his medical expenses and for that purpose, terminal benefits are very much essential to him and request to grant very limited time to the second respondent.

7. Considering the request of the learned standing counsel appearing for the second respondent that the society is in poor financial condition and even though they are giving undertaking to pay the remaining amount to the petitioner and as they presented a cheque for an amount of Rs.3,00,000/- in favour of the petitioner, in the considered opinion of this Court, it is appropriate and reasonable to grant three months time to the second



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respondent society to pay the balance amount in equal three installments to the petitioner to meet the interest of justice. The cheque placed before this Court by the second respondent counsel for an amount of Rs.3,00,000/- issued in the name of the petitioner is handed over to the learned counsel for the petitioner by the second respondent counsel in the presence of the Court under proper acknowledgment.

8. For the above said reasons, this writ petition is disposed of with the following directions:

- i) The second respondent shall pay the balance amount in equal installments, within a period of three months to the petitioner;
- ii) It is made clear that no further extension of time will be granted;
- iii) There shall be no order as to costs;
- iv) Connected miscellaneous petition is closed.

18.09.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



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BATTU DEVANAND,J.

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To:

- 1.The Joint Registrar of Co-Operative Society,
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Villupuram District.
- 2.The President,
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