



W.P.(MD)No.715 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.715 of 2022

P.Periasamy

: Petitioner

Vs.

- 1.The Regional Provident Commissioner,
Employees Provident Fund Organization,
Regional Office, Lady Doak College Road,
Madurai.
- 2.The Joint Registrar of Cooperative Societies,
O/o. the Joint Registrar of Cooperative Societies,
Dindigul Region, Dindigul.
- 3.The Deputy Registrar of Cooperative Societies,
O/o. the Deputy Registrar of Cooperative Societies,
Palani Circle, Palani, Dindigul District.
- 4.The President,
R.564, Lanythakottai Primary
Agricultural Cooperative Credit Society,
Lanthakottai, Gujjiliam Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to



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disburse the provident fund amount payable to the petitioner and directing the respondents 2 to 4 to pay the arrears of salary for the period of 13 months, Gratuity and other retirement benefit payable to the petitioner with interest at the rate of 12 percent per annum from the date of retirement till the date of realization.

For Petitioner : Mr.Shanmugaraja Sethupathi

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate for R2 to R4

Mr.A.John Xavier for R1

ORDER

The writ petition has been filed for a mandamus to the first respondent to disburse the provident fund amount payable to the petitioner and directing the respondents 2 to 4 to pay the arrears of salary for the period of 13 months, gratuity and other retirement benefits payable to the petitioner with interest at the rate of 12% per annum from the date of retirement till the date of realization.

2. The learned counsel for the petitioner submitted that the writ petitioner has submitted a representation to the first respondent on 01.07.2016 despite that the Employees Provident Fund contribution has



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not been paid to him by the first respondent.

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3. The learned counsel appearing for the first respondent/ Employees Provident Fund Organization submitted that the petitioner has to file Form 10C for pension and Form 19 for employees provident fund contribution which was not submitted till date by the fourth respondent to the first respondent.

4. Mr.P.Maruthamuthu, Administrator/Co-operative Sub-Registrar and Ms.S.Vimala, Secretary (Incharge) of the fourth respondent are present before this Court.

5. The learned Government Advocate appearing for the fourth respondent, on instructions, submitted that with regard to payment of pension, Form 10C has to be submitted and with regard to payment of 13 months salary, the fourth respondent requested four months time to settle the same to the petitioner. He further submitted that there will be a deduction of 12% with regard to the employees provident fund share on the part of the petitioner and therefore, the same will be deducted before the disbursement of his salary.



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6. Considering the submissions made by the learned counsel for the parties, this Court directs the fourth respondent to send the Form 10 C and Form 19 to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such forms, the first respondent shall settle the provident fund contribution and the pension to the petitioner within a period of four weeks thereof. Insofar as the payment of 13 months salary of the petitioner is concerned, the fourth respondent is directed to disburse the salary in four equal monthly installments and the first installment shall be paid on or before 10.11.2024 and the subsequent three installments shall be paid on or before 10.12.2024, 10.01.2025 and 10.02.2025. All other eligible terminal benefits and gratuity, if any, shall be paid by the fourth respondent to the petitioner within a period of three months thereafter.

7. The writ petition stands disposed of with the above directions. No costs.

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Index : Yes / No

Internet : Yes / No

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J.SATHYA NARAYANA PRASAD, J.

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