



W.A.(MD)No.1025 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.06.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.1025 of 2024
and**

C.M.P.(MD)No.7453 of 2024

1.The President/Special Officer,
Srirangam Co-operative Housing
Society Limited, R.1251,
82-A, Ammamandapam Road,
Srirangam, Tiruchirapalli-620 006.

2.The Secretary,
Srirangam Co-operative Housing
Society Limited, R.1251,
82-A, Ammamandapam Road,
Srirangam, Tiruchirapalli-620 006.

... Appellants

vs

1.S.Vijayalakshmi

2.The Registrar of Co-operative
Housing Society (Housing),
Tamilnadu Co-operative Housing Federation,
Inaya Valagam, No.48, Rithartan Road,
Vepperi, Chennai – 600 007.



W.A.(MD)No.1025 of 2024

3.The Regional Deputy Registrar (Housing),
Tiruchirappalli-620 020.

...Respondent

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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order of this Court dated 14.12.2023 passed in W.P(MD)No.23371 of 2023.

For Appellants : Mr.M.R.Sreenivasan
For R2 and R3 : Mr.K.Selva Ganesan
Additional Government Pleader

JUDGMENT

(Judgment of this Court was delivered by **G.ARUL MURUGAN, J.**)

The Writ Appeal is directed against the order, dated 14.12.2023 in W.P(MD)No.23371 of 2023, wherein, the Writ Court directed the respondents to disburse balance terminal benefits to the Writ Petitioner within a period of eight weeks from the date of receipt of a copy of that order.



W.A.(MD)No.1025 of 2024

WEB COPY

2. Assailing the order passed by the Writ Court, the learned Counsel for the appellants contended that even though the resignation of the first respondent was accepted and no due certificate has been given, still, as later, it was found that there were some irregularities committed on the part of the first respondent, the appellant Society have not proceeded to disburse with the balance terminal benefits. The learned Counsel further submitted that due to the act of the first respondent and other staff, already the Society has suffered huge loss and in such circumstances, the Society is not in a good financial position to pay the balance terminal benefits to the first respondent. The learned Counsel further contended that at a later stage, if the business of the Society is able to be revived, then they will take necessary steps to settle the terminal benefits and the learned Judge, without taking note of these aspects, have directed the Society to settle the balance terminal benefits within a period of eight weeks and as such, sought for indulgence of this Court to interfere with the order passed by the Writ Court.



W.A.(MD)No.1025 of 2024

WEB COPY

3. Heard the learned Counsel for the appellants and perused the materials available on record.

4. The first respondent/Writ Petitioner, who had worked as a Senior Clerk in the appellant Cooperative Society, had submitted her resignation on 14.12.2017. After nearly a period of 4½ of months, the resignation submitted by the first respondent was accepted on 30.04.2018. In fact, the appellant Society also had issued a no due certificate to the effect that there are no dues pending from the first respondent on the date of acceptance of her resignation.

5. After the resignation was accepted and also no due certificate was also issued by the Society, a sum of Rs.11,40,440/- had been disbursed to the first respondent, but however, still the balance amount of Rs. 10,24,799/-, has not been disbursed, which prompted the first respondent to approach the Writ Court. In fact, the only point that was taken by the Society before the Writ Court was that since the first respondent had given undertaking that she would receive the balance amount by waiting for some



W.A.(MD)No.1025 of 2024

time, she cannot insist upon the balance amount immediately. The learned Judge by taking note of the fact that the resignation was accepted only after nearly 4 months and in fact, the no due certificate issued by the appellant Society to the first respondent had also been counter signed by the Deputy Registrar (Housing), Ariyalur, had directed the appellants to settle the balance terminal benefits within a period of eight weeks.

6.The argument advanced by the learned Counsel for the appellants that at a later stage, they came to know that some irregularities have been committed by the first respondent along with other employees and therefore, they are not able to settle the balance terminal benefits, cannot be accepted and is rejected for the simple reason that when once the resignation submitted by the first respondent has been accepted by the appellant Society, the relationship of Employer-Employee got severed and further, when the appellant Society had also issued a no due certificate certifying that there are no dues payable by the first respondent, the appellant Society cannot deny to settle the balance terminal benefits alleging that certain irregularities were committed by the first respondent.



W.A.(MD)No.1025 of 2024

WEB COPY

7. Further, when the only stand taken before the Writ Court was that the first respondent gave an undertaking that she will receive the balance terminal benefits by waiting for some time and when the resignation submitted by the first respondent on 14.12.2017 had been accepted on 30.04.2018 and nearly six years has passed, there is no reason for the appellants to further delay the settlement of the balance terminal benefits. Only taking note of this factual aspect, the learned Judge has directed the appellants to settle the balance terminal benefits within a period of eight weeks and we find no reason to interfere in the order passed by the learned Judge.

8. However, at this state, the learned Counsel for the appellants submitted that since the time granted by the learned Judge had already expired, if a period of three months is granted, the appellant Society will pay the balance terminal benefits to the first respondent, as directed by the Writ Court. Taking into consideration the said submission, while dismissing the Writ Appeal, we are inclined to grant time to the appellants to settle the balance terminal benefits to the first respondent.



W.A.(MD)No.1025 of 2024

WEB COPY

9. In view of the above, the order passed by the learned Judge is sustained and resultantly, the Writ Appeal stands dismissed. The appellants are directed to settle the balance terminal benefits to the first respondent within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

**[R.S.K., J] & [G.A.M., J]
18.06.2024**

Index : Yes/No
NCC : Yes/No
cmr

To

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W.A.(MD)No.1025 of 2024

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Judgment made in
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