



W.P.(MD).No.9350 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9350 of 2022

and

W.M.P(MD) No.6711 of 2022

V.Balasubramanian

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Virudhunagar Region, Virudhunagar.
2. The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Arupukkottai,
Virudhunagar District.
3. The Managind Director,
R.A.363, Virudhunagar Agricultural Producer's
Co-operative Marketing Society Limited,
Mallanginar Road,
(Opposite to State Bank Colony)
Virudhunagar – 626 001.
4. The President,
R.A.363, Virudhunagar Agricultural Producer's
Co-operative Marketing Society Limited,
Mallanginar Road,
(Opposite to State Bank Colony)
Virudhunagar – 626 001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the retirement benefits such as Employees Provident Fund, Gratuity and Earned Leave Salary and also arrears of salary for the month of January 2022 payable to the petitioner with interest at the rate of 12% per annum from the date of retirement till the date of realization.

For Petitioner : Mr.S.Balamurugan

For R1, R2 and R4 : Mr.S.Shaji Bino
Special Government Pleader

For R3 : Mr.D.Gandhiraj

ORDER

The present Writ Petition has been filed by a retired clerk of the fourth respondent Co-operative Society seeking a Mandamus to disburse the retirement benefits such as Employees Provident Fund, Gratuity and Earned Leave Salary and also arrears of salary for the month of January 2022.

2. Though the petitioner was about to retire on 29.02.2020, the petitioner, by mistake was permitted to work till 28.01.2022 and he received



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salary up to December 2022. The petitioner was facing surcharge proceedings for recovery of the excess salary paid to him and also upon other counts. The surcharge award was passed as against the petitioner on 19.01.2024, for a sum of Rs.11,00,000/- to be recovered from the writ petitioner. So far, the writ petitioner has not challenged the said surcharge award in a manner known to law.

3. According to the learned Special Government Pleader appearing for the official respondents, around Rs.20,00,000/- is due to the writ petitioner by way of terminal benefits.

4. Considering the above said facts, the respondents herein are directed to retain a sum of Rs.11,00,000/- and release the balance amount to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order. In case, if the petitioner succeeds in challenging the surcharge award dated 19.01.2024, the balance amount shall be released by the respondents herein.



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5. With the above said observation, this Writ Petition stands partly allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

28.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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Virudhunagar.
2. The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Arupukkottai,
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