



W.P.(MD) No.14586 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.14586 of 2021

R.Ganesan

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies
Sivagangai District

2.The Deputy Registrar of Co-operative Societies
Sivagangai
Sivagangai District

3.The Secretary
No.630, Kombakkaranendal Co-operative Societies
Kombakkaranendal
Savariyapattinam Post
Manamadurai Taluk
Sivagangai District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to pay the arrears of salary and other retirement benefits liable to be paid to the petitioner along with 18% interest from the date of retirement of the petitioner I.e 31.12..2015 as per the proceedings of the 3rd respondent dated 28.12.2015 and as well as the representation made by the petitorioer dated 02.02.2021.



W.P.(MD) No.14586 of 2021

For Petitioner : Mr.C.Ramalingam

For Respondents : Mr.D.Sasikumar, AGP

ORDER

This Writ petition has been find seeking a Writ of Mandamus to direct the respondent to pay arrears of salary and other retirement benefits due and payable to the petitioner together with interest at 18% per annum from the date of retirement of the petitioner that is 31.12.2015 in terms of the resolution and proceeding issued by the third respondent dated 28.12.2015.

2. It is the case of the petitioner that he was appointed as salesman in the 3rd respondent society on 01.09.1979 and had completed 36 years of service and he was permitted to retire on 31.12.2015. However, the retirement benefits that are payable to the petitioner together with certain salary arrears are not released to the petitioner even after several years and hence claimed to have submitted a representation dated 02.02.2021 requesting the 3rd respondent to release the terminal benefits together with arrears of salary. However, having failed to get any response from the 3rd respondent, the petitioner has approached this court by filling the present writ petition.



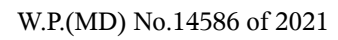
W.P.(MD) No.14586 of 2021

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3. Learned Additional Government Pleader appearing for the 2nd respondent filed the counter affidavit stating that he has given necessary instructions to the 3rd respondent to take steps for recovery of loans from the borrowers and settle the claim of the petitioner at an early date.

4. According to the learned Additional Government Pleader appearing for the respondents, the 3rd respondent society went into losses and not having sufficient financial resource to pay the retirement benefits and other amounts due and payable to the petitioner immediately and requested for grant of 8 months time for payment of the entire amounts due and payable to the petitioner.

5. From the perusal of the materials on record, there is no dispute about the entitlement of the petitioner for payment of terminal benefits and other amounts which he is claiming as on 31.12.2015. But unfortunately, the terminal benefits were not released in favour of the petitioner even after lapse of 8 years. Even this Writ Petition is filed in the year 2021, but, no steps have been taken to release the terminal benefits of the petitioner.



7. Accordingly, the Writ Petition is disposed of with the following directions:

(i) the 3rd respondent shall determine the amounts for which the petitioner is entitled to within a period of three weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

(ii) Considering the fact that the amount is due to the petitioner as



W.P.(MD) No.14586 of 2021

early as on 31.12.2015, who is deprived of enjoyment of the said amounts for 8 long years, the 3rd respondent is directed to pay the amount due together with interest at 9%.

(iii) Out of the total amount due, 1/3rd of the amount shall be paid within a period of two months from the date of receipt of a copy of this order and the balance 2/3rd of the amount shall be released in two equal instalments thereafter.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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W.P.(MD) No.14586 of 2021

MUMMINENI SUDHEER KUMAR, J.

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