



W.P.(MD)No.16697 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16697 of 2024 &
W.M.P.(MD)No.14450 of 2024

S.Paramasivan

... Petitioner

vs.

1.The Joint Registrar of Co-operative Societies,
Tenkasi Region,
Tenkasi District.

2.The Co-operative Sub Registrar /
Administrator,
0.2123, Crescent Co-operative Stores,
Kadayanallur, Tenkasi District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent on 31.05.2024 and quash the same as illegal in so far as disbursing the petitioner's terminal benefits subject to the orders to be passed in W.A. (MD)No.466 of 2023 and consequently direct the respondents to settle the petitioner's applicable retirement and other eligible monetary benefits within the period that may be stipulated by this Court.



W.P.(MD)No.16697 of 2024

For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mr.S.Kameshwaran
Government Advocate

ORDER

Heard Mr.M.Jerin Mathew, learned counsel appearing for the petitioner and Mr.S.Kameshwaran, learned Government Advocate appearing for the respondents.

2. The petitioner who has been allowed to retire on 31.05.2024 as Salesman on his attaining the age of superannuation has filed this writ petition challenging a part of the relieving order, wherein, it has been stated that the petitioner's terminal benefits will be settled depending upon the outcome of the appeal in W.A. (MD)No.466 of 2023.

3. Earlier, the petitioner has filed a writ petition in W.P. (MD)No.5001 of 2013 by claiming selection grade in the post of salesman and the same was dismissed by this Court on 18.01.2013. Challenging the same, the petitioner has preferred an appeal in W.A. (MD)No.466 of 2023 and the same is pending.



W.P.(MD)No.16697 of 2024

WEB COPY

4. So far as the petitioner's entitlement of selection grade salesman pay, the same is depending upon the outcome of the pending writ appeal in W.A.(MD)No.466 of 2023. As on today, there is no hurdle for the respondents to settle the terminal benefits of the petitioner by considering his emoluments and calculating his terminal benefits on the basis of the same. If the petitioner gets any favourable orders in W.A. (MD)No.466 of 2023, the respondents shall re-calculate the terminal benefits in accordance with the impact of the Judgment passed in W.A. (MD)No.466 of 2023 and pay the arrears or do re-fixation if any.

5. Since the petitioner cannot be denied the retiral benefits and pension benefits as admitted by the respondents, I feel it is appropriate to direct the respondents to settle the same within a stipulated time.

6. In view of the above observations, the writ petition is **disposed of** and the respondents are directed to settle the admitted retiral and pension benefits of the petitioner within a period of eight weeks from



W.P.(MD)No.16697 of 2024

WEB COPY

the date of receipt of a copy of this order. No costs. Consequently,
connected Miscellaneous Petition is closed.

24.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

mbi

To

- 1.The Joint Registrar of Co-operative Societies,
Tenkasi Region,
Tenkasi District.
- 2.The Co-operative Sub Registrar /
Administrator,
0.2123, Crescent Co-operative Stores,
Kadayanallur, Tenkasi District



WEB COPY



W.P.(MD)No.16697 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.16697 of 2024

24.07.2024