



WP(MD) No.17755 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17755 of 2024

and

W.M.P.(MD)No.15235 of 2024

G.Venkatachalam

... Petitioner

Vs.

1.The Deputy Registrar of Co-Operative Societies,
Pudukkottai Circle,
Integrated Cooperative Office Complex,
Annavaasal Road,
Pudukkottai.

2.The President
M.M.373, Narthamalai Primary Agriculture Cooperative,
Credit Society,
Narthamalai Post,
Kulathur Taluk,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the entire records pertaining to the proceedings by the 1st respondent in Na.Ka.80/2016 dated 28.04.2016 and quash the same and consequently direct the respondents to pass suitable orders to pay the retirement



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benefits as per the salary last drawn by the petitioner in the respective post at the the time of retirement.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.S.Kameshwaran

Government Advocate

ORDER

The petitioner has filed this Writ Petition challenging the proceedings of the first respondent passed in Na.Ka.80/2016 dated 28.04.2016 with a consequential direction to the respondents to pass suitable orders to pay the retirement benefits as per the salary last drawn by the petitioner in the respective post at the the time of retirement.

2. Heard the learned counsel on either side.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner has challenged the order dated 28.04.2016, through which the petitioner has been allowed to retire from service on condition that an amount of Rs.77,434/- will be withheld from his retirement benefits. The amount that is stated in the impugned order would represent the excess payments paid to the petitioner between the period 01.07.1997 and 30.04.2004 towards dearness allowance, house rent allowance and medical allowance.

5. The learned counsel appearing for the petitioner submitted that the amount that is mentioned in the impugned order is not excess payment and that the impugned order has been passed in an arbitrary manner and hence, he seeks to quash the impugned order.

6. The learned Government Advocate appearing for the respondents submitted that the petitioner is affected due to delay and laches, as the petitioner has approached this Court belatedly.



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7. It is not ascertained whether rest of the payments of the petitioner's retirement benefits atleast have been settled or not. Whatever may be the case, the impugned order has been passed by violating the principles of natural justice without giving any opportunity to the petitioner and hence, the matter can be taken into consideration unmindful of the delay caused in approaching this Court.

8. The petitioner claims that there is no excess payment and that no recovery can be made against the person, within one year from the date of retirement. Even if any excess payment is made, but without any fault on the part of the petitioner, the petitioner can be given with opportunity to make his submission.

9. In that view of the matter, this writ petition is disposed of. Hence, the impugned order shall be considered as notice and the petitioner is at liberty to make his submission within a period of two weeks from the date of receipt of copy of this order and on receipt of the same, the



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respondents shall pass orders afresh within two weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2024

NCC: Yes/No
Index : Yes/No
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R.N.MANJULA, J.

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TO:-

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Annavasal Road,
Pudukkottai.
- 2.The President
M.M.373, Narthamalai Primary Agriculture Cooperative,
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Kulathur Taluk,
Pudukkottai.

Order made in
W.P.(MD)No.17755 of 2024

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