



W.P.(MD).No.19383 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19383 of 2024

Nageswari

... Petitioner

Vs.

1. The Registrar,
Office of the Registrar Co-operative
House Building Society,
4th Street, Gandhi Nagar,
Aadayar,
Chennai – 600 020.

2. The Deputy Registrar,
House Building Society (In-Charge)
Madurai Region,
Madurai,
Madurai District.

3. The President,
A-1990, Bodinayakkanur Co-operative
House Building Society,
Bodinayakkanur,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the respondents to



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disburse the retirement benefits payable to the petitioner's husband Late.Mr.E.Nagarajan including the Gratuity and Provident Fund and other terminal benefits to the petitioner by taking into consideration of the order passed in C.M.A(CS) No.14 of 2017, dated 13.11.2019 by the learned Principal District Judge, Madurai in accordance with the order passed in W.P(MD) No.21305 of 2015 vide its order dated 30.11.2015 on the file of this Court within the time that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The instant Writ Petition has been filed by the wife of the deceased employee of the third respondent Co-operative Society seeking a Mandamus for the disbursement of the terminal benefits of her husband including Gratuity, Provident Fund and other terminal benefits.

2. The petitioner's husband namely E.Nagarajan, had suffered an order passed under Section 87 of the Tamil Nadu Co-operative Societies Act. The petitioner's husband was placed under suspension on 30.04.2009 and he



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attained superannuation on 30.04.2009. Since the retirement benefits were not disbursed, the petitioner's husband has filed W.P(MD) No.21305 of 2015. This Court, by an order dated 30.11.2015 had directed the Society to settle all the terminal benefits payable to the petitioner within a period of eight weeks from the date of receipt of a copy of the order and in case, if the amount is not disbursed within the stipulated time, the Society was directed to pay interest at the rate of 9% per annum for the terminal benefits. However, the petitioner's husband was granted liberty to challenge the order passed under Section 87 of the Tamil Nadu Co-operative Societies Act.

3. In the meantime, the petitioner's husband had filed C.M.A(CS) No. 14 of 2017 before the Principal District Court, Madurai. The learned Principal District Judge, by her judgment dated 13.11.2019, had allowed the appeal filed by the petitioner's husband and has set aside the order passed under Section 87 of Tamil Nadu Co-operative Societies Act. So far, the Society has not chosen to challenge the order and therefore, the order of the learned District Judge had attained finality.



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4. The present writ petition has been filed by the wife of the deceased seeking a Mandamus for disbursement of all the terminal benefits based upon the judgment of the learned District Judge, Madurai in C.M.A(CS) No.14 of 2017.

5. The facts narrated above would clearly indicate that the Society has not complied with the order of this Court, dated 30.11.2015 made in W.P(MD) No.21305 of 2015. Now, that the appeal has been allowed in favour of the employee of the Society and therefore, there cannot be any legal impediment for the Society to disburse the terminal benefits.

6. In view of the above said facts, the respondents herein are directed to disburse the entire terminal benefits within a period of eight weeks from the date of receipt of a copy of this order. In case, if the terminal benefits are not disbursed within the said period, the terminal benefits will carry interest at the rate of 9% per annum from 30.11.2015.



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7. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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