



W.P(MD)No.22384 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22384 of 2022

K.Rajendran

...Petitioner

Vs

1.The Joint Registrar,
Co-operative Societies,
Sivagangai.

2.The Secretary,
Q1248, Kannamangalam Primary Agricultural Co-operative
Thrift Society,
Kannamangalam,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider and dispose of the petitioner's representation dated 21.08.2021, in connection with the disbursal of his retirement benefits inclusive of the monthly pension relating to his service rendered as a clerk in the second respondent's society between the period of 02.01.1991 and 31.03.2018, as expeditiously



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as possible within the time stipulation as prescribed by this Court.

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For Petitioner	: No appearance
For Respondents	: Mr.G.V.Vairam Santhosh, Additional Government Pleader

ORDER

The petitioner, a retired employee of Q1248, Kannamangalam Primary Agricultural Co-operative Thrift Society, Kannamangalam, Sivagangai District/the second respondent herein has approached this Court that though this petitioner has retired from service on 31.03.2018, he has not been settled with retirement benefits and arrears of salary.

2. The learned counsel appearing for the petitioner submits that the petitioner has served in the second respondent Society as a Clerk from 02.01.1991 to 31.03.2018. According to the petitioner, on the date of his retirement, there was an arrears of salary to the tune of Rs.1,85,000/-. Apart from the arrears of salary,



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the petitioner is also entitled to Provident fund, Gratuity and leave enhancement salary to the tune of Rs.8 Lakhs. Therefore, the petitioner has submitted representations to the first respondent. Since there is no action on the part of the respondent, the petitioner has approached this Court by way of this writ petition on 21.09.2022, seeking a Mandamus, directing the first respondent to consider his representation, dated 21.08.2021 and to settle all the eligible monetary benefits.

3.Today (21.11.2024), when this writ petition is listed for hearing, there is no representation for the petitioner. This Court, by earlier order, dated 19.11.2024, directed the respondents to get written instructions as to the eligibility of the pension for this petitioner. The learned Additional Government Pleader, based on a written instructions provided by the second respondent submits that at present the second respondent Society is on loss and therefore, the second respondent is not in a position to pay the arrears of salary as well as the retirement benefits in total. He further submits that a sum



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of Rs.1,00,000/- has been settled to the petitioner as on date and they undertook to pay the remaining eligible amount within a period of six months.

4. This Court considered the submissions of the learned Additional Government Pleader and perused the materials placed on record.

5.The petitioner, who was working as a Clerk in the respondent Society claims that even after his retirement on 31.03.2018, he has not been settled with the retirement benefits. According to the petitioner, a sum of Rs.8 Lakhs is due to the petitioner approximately. On the side of the respondents, it is stated that a sum of Rs.1,00,000/- has been settled to the petitioner as on date and the remaining eligible retirement benefits would be paid to this petitioner, within a period of six months. The respondents have not even committed the total eligible amount payable to this petitioner. The Co-operative Societies are established with a noble



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object to provide benefits to the people at village level. These Societies are monitored by the Government by appointing Special Officers, Deputy Registrars and Joint Registrars etc., It cannot be denied that some similar Societies are running in profit, however, some Societies like the respondent Society is facing loss, that may be due to mismanagement. The Secretaries of the Societies can be held responsible for the mismanagement. The Government, which is monitoring and supervising the affairs of the Societies are also having responsibility towards the payment of salary and arrears of pension to the employees of the Societies.

6.In the present case on hand, the petitioner was retired from service in the year 2018 and his repeated representations have not been considered. Therefore, the petitioner was constrained to approach this Court for getting his retirement benefits. It is the sorry state of affairs that for an employee, who has retired from service in the year 2018 has not yet been settled with the retirement benefits till 2024. The first respondent, who has to take necessary action on the



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issue has not acted upon it. Instead they sought for further time to settle the benefits to the petitioner.

7.In view of the above, this writ petition is allowed, directing the first respondent to ensure that the terminal benefits of the petitioner is settled to him, within a period of six months from the date of receipt of a copy of this order in equal monthly installments. In the event, if the Society is not in a position to pay the benefits to the petitioner, the Government is having an onus, by paying the same from the Government funds. No costs.

21.11.2024

NCC:Yes/No

Index:Yes

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B.PUGALENDHI, J.

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