



WP(MD). No.22985 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.12.2024

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.22985 of 2019

U.Kannadasan

... Petitioner

versus

1. The Registrar of Co-operative Societies,
Kilpauk,
Chennai – 600 010.

2. The Managing Director,
The Central Co-operative Bank Ltd.,
West Main Street,
Thanjavur – 613 009.

3. The Deputy Registrar of Co-operative
Societies,
Mannargudi.

4. The President,
T.1527 Kattakudi Primary Agricultural
Co-operative Credit Society Ltd.,
Kattakudi Post,
Mannargudi Taluk,
Thiruvarur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of a Writ of Mandamus, to direct the respondents
to settle the petitioner's retirement benefits such as Employees Provident



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Fund of Rs.16,89,066/-, the Earned Leave Wages for 240 days is Rs. 3,09,640/- and the Security Deposit of Rs.1,833/- towards his dues payable to him with reasonable rate of interest within the time that may be stipulated by this Court.

For Petitioner : Mr.M.R.S.Prabhu

For Respondents : Mr.P.T.Thiraviam,
Government Advocate

ORDER

The petitioner, a Secretary of the 4th respondent Society, retired from service on attaining superannuation on 31.03.2019. Since his retirement benefits were not settled, he has submitted a representation to the respondents and also filed this writ petition before this Court for a mandamus directing the respondents to settle his retirement benefits.

2. Today, when this writ petition is taken up for hearing, the learned Government Advocate submits that the 4th respondent Society has become defunct and therefore, they are not in a position to settle the retirement benefits to the petitioner. However, he admits that a sum of Rs.2,00,000/- has already been settled to the petitioner on 14.12.2022.



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3. The learned counsel appearing for the petitioner disputed that the 4th respondent Society is functioning and it has not become defunct.

The learned counsel also submits that the petitioner has suffered heart attack and he is also taking treatment. He further submits that without retirement benefits, the petitioner is not able to pursue his children's education. Therefore, he prays this Court to settle the retirement benefits to the petitioner.

4. This Court considered the rival submissions and perused the materials placed on record.

5. The petitioner, who was appointed as Clerk in the year 1981 and was promoted as Secretary in the year 1988 and thereafter, he was allowed to retire from service on attaining superannuation on 31.03.2019. According to him, he has rendered 38 years of service in the 4th respondent Society. Though the petitioner was retired from service in the year 2019, his retirement benefits was not settled sofar.



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6. The petitioner claims that he is entitled for Provident Fund of Rs.16,89,066/-, Earned Leave Salary of Rs.3,09,640/- and the Security Deposit of Rs.1,833/-. The respondents claim that a sum of Rs.2,00,000/- was already settled to the petitioner.

7. The explanation of the 4th respondent that the Society is in loss cannot be a ground to deny the retirement benefits of the petitioner. Therefore, this writ petition is allowed with a direction to the 4th respondent to pay the eligible retirement benefits to the petitioner within a period of four months from the date of receipt of copy of this order. The 3rd respondent shall ensure that the retirement benefits of the petitioner is disbursed by the 4th respondent within the time stipulated by this Court. No costs.

20.12.2024

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.



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