

W.P(MD)No.25377 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.25377 of 2018

Chithambaram

... Petitioner

Vs

- 1.The Principal Secretary to  
Government of Tamil Nadu,  
Housing & Urban Development,  
Secretariat,  
Chennai - 600 009.
- 2.The Registrar of Co-Operative Societies (Housing),  
Tamil Nadu Housing Board Building,  
2nd Floor Annex,  
Anna Salai,  
Nandanam, Chennai - 600 035.
- 3.The Special Officer / Chairman,  
Tamil Nadu Co-Operative Housing Federation,  
Vepery, Chennai - 600 007.
- 4.The Deputy Registrar of Co-Operative Societies (Housing),  
Trichy.
- 5.The President,  
Illupur Taluk Co-Operative Housing Society,  
Illupura Post & Taluk,  
Pudukkottai District.



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6.The Sub Registrar,  
Pudukkottai Taluk Co-Operative Housing Society,  
Pudukkottai Post & Taluk,  
Pudukkottai District.

...Respondents

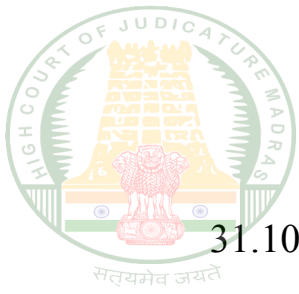
**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents to settle the retirement benefits of the petitioner for the service rendered in the 5th respondent's Society, with 18% interest.

|                 |                                                    |
|-----------------|----------------------------------------------------|
| For Petitioner  | : Mr.P.Ganapathi Subramanian,                      |
| For Respondents | : Mr.K.Balasubramani<br>Special Government Pleader |

### **ORDER**

The petitioner, a retired employee of Illupur Taluk Co-Operative Housing Society, Pudukkottai District/the fifth respondent herein has filed this writ petition that his retirement benefits have not been settled by the respondents, even after his retirement on attaining the age of superannuation on 31.10.2010.

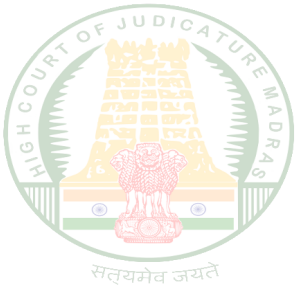
2.The learned counsel appearing for the petitioner submits that though the petitioner has retired from service as early as on



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31.10.2010, the retirement benefits have not been settled to him. In this regard, the petitioner has sent several representations to the respondents. However, no action has been taken by them.

3.The fifth respondent has filed a counter affidavit that this petitioner has rendered his service only for a period of 6 years and 10 months in the fifth respondent Society and therefore, he is eligible to get pension benefits from the fifth respondent to the tune of Rs.3,87,119/-(Gratuity Rs.1,08,634/- + Leave Salary Rs.62,141/- + Provident Fund Own contribution Rs.28,655/- + Equal contribution of Rs.1,87,689/-). The learned Special Government Pleader by referring to paragraph 7 of the counter affidavit submits that this petitioner has availed certain loans, for which, a sum of Rs.2,31,680/- has been deducted from the amount payable to this petitioner. Therefore, the petitioner is entitled to a sum of Rs.1,55,439/-. He further submits that apart from that, this petitioner is also having dues to the thrift Society, which has not been included in the aforesaid amount.



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

5.The petitioner, a retired employee of the fifth respondent Society has approached this Court that his retirement benefits have not been settled to him. On the side, the fifth respondent took a stand that though a sum of Rs.3,87,119/- is payable to this petitioner towards retirement benefits, on audit objection, it was clarified that a sum of Rs.2,31,680/- is due from this petitioner towards various loans availed by him. It is also claimed on the side the fifth respondent that the amount payable by the petitioner towards thrift Society has not been included in the above mentioned amount. It appears that though an audit objection has been raised, the fifth respondent Society has not disclosed any details with regard to the total amount due from this petitioner towards various loans availed by him.

6.Since the fifth respondent is taking a stand that the petitioner is liable to pay some amount to them and it has not been clarified to this petitioner by providing a calculation memo, this writ



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petition is disposed of with a direction to the fifth respondent Society

to take a decision on the representation of the petitioner for retirement

benefits, by providing calculation details with regard to the amount,

payable by the petitioner to the respondent Society, if any, and pass a

suitable order, after providing sufficient opportunity to the petitioner,

within a period of six weeks from the date of receipt of a copy of this

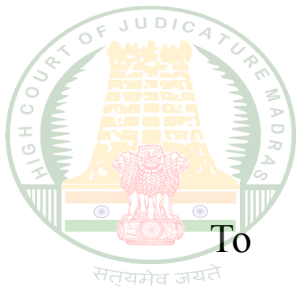
order. No costs.

**13.12.2024**

NCC:Yes/No

Index:Yes

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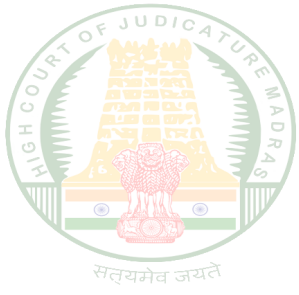


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**B.PUGALENDHI, J.**

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**Order made in**  
**W.P(MD)No.25377 of 2018**

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