



W.P.(MD).No.25348 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.25348 of 2022

A.V.Raja

... Petitioner

Vs

1. The Registrar (Finance and Bank),
Co-Operative Society Registrar Office,
No. 170, E.V.R. Periyar Nedu Salai,
Keelbakkam, Chennai..
2. The Deputy Registrar of Co-Operative Society,
Usilampatti Circle, Jawar Nagar,
Having Office At Thirumangalam, Madurai District.
3. The Joint Registrar,
Tamil Nadu Co-Operative Society,
Chokkikulam, Near Jayaraj Theatre, Madurai.
4. The President,
M.U.4, Keezhappatti Primary Agricultural Co-Operative Society,
Keezhappatti, Madurai 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 respondents to disburse the withheld Provident Fund Amount of Rs. 7,01,977/- together with interest at the rate of 12 % per annum, till the date of disbursement to the



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petitioner as expeditiously as possible or within a time frame to be fixed by this Court.

For Petitioner : Mr. S.Veluchamy

For Respondents : Mr.J.K.Jayaselan
Government Advocate

ORDER

The present writ petition has been filed for the issue of a writ of mandamus, directing the respondents to disburse the withheld Provident Fund Amount of Rs. 7,01,977/- together with interest at the rate of 12 % per annum, till the date of disbursement to the petitioner as expeditiously as possible or within a time frame to be fixed by this Court.

2.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

3.(i).The petitioner joined as Secretary in M.U.4, Keezhappatti Primary Agricultural Co-Operative Society in the year 1985, which is under the control of the third respondent. On attaining the age of superannuation, he retired on 28.02.2017. Even after a lapse of two years of retirement, the



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provident fund amount was not disbursed by the respondent. In this regard, on 08.12.2018 he made a representation before the respondent to disburse the same. On receipt of the same, the second respondent on 14.12.2018 issued a letter stating that his representation was forwarded to the concerned Department for necessary action.

(ii).Since the same was not acted upon, he filed a writ petition in W.P(MD)No.2527 of 2019 before this Court and this Court on 06.02.2019 directed the first respondent to consider his representation, dated 08.12.2008. Pursuant to the same, on 22.05.2019 the first respondent issued an order directing the fourth respondent to pay the withheld provident fund amount of Rs.7,01,977/- to the petitioner by an instalment of Rs.7,500/- each month, starting from the month of May, 2019. After that, he received a letter, dated 21.11.2020 from the second respondent stating that they will make an initial payment of Rs.1,50,000/- from his corpus fund of Rs.7,00,000/- and after that they will pay the remaining amount on instalment basis, based on the financial position of the Society.

(iii).The petitioner is a senior citizen, who is suffering from medical complications and suffering from eye defect. He has to undergo eye



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surgery with immediate effect. Due to financial crisis, he is not able to do the same. Hence, prays to allowed the writ petition.

4.The learned Government Advocate appearing for the respondents filed a counter submitted by the fourth respondent and contended that pursuant to the filing of W.P(MD) No.2527 of 2019 by the petitioner, as per the direction of this Court, the first respondent afforded opportunity to the petitioner and the fourth respondent and an enquiry was conducted on 22.04.2019 and after considering the submissions of both parties, the first respondent directed the fourth respondent to pay an amount of Rs.7,01,977/- and the same could be paid in instalment of Rs.7,500/- per month, starting from the month of May, 2019. However, the petitioner never visited the fourth respondent after the order and received the instalments. In view of the same, prayed to dismiss the petition.

5.The Employees Provident Fund is social security benefit provided to the employees. Any delay in payment of eligible provident fund to the employees by employer should necessarily be deprecated. The petitioner's



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provident fund has been withheld since 2017 much to his difficulty and he has been left penniless even to meet his medical expenditure.

6.Considering the limited scope of the prayer and the relief sought by the petitioner and also regarding the fact that provident fund is neither a gratuitous payment nor a bounty, the payment of which depends upon the sweet will or grace of the employer. It is a basic entitlement of the petitioner and he should not be made to wait endlessly with a begging bowl. This Court condemning the callous attitude of the respondent in disbursing the eligible amount of withheld Provident Fund of Rs.7,01,977/- to the petitioner, hereby direct the fourth respondent to pay the eligible provident fund to the tune of Rs.7,01,977/- to the petitioner along with interest @ 6% per annum till the date of disbursement, within a period of two weeks from the date of receipt of copy of this order.



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7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

19.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

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L.VICTORIA GOWRI, J.

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