



W.P.(MD)No.25624 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.25624 of 2023

S.Muthulakshmi

... Petitioner

vs.

1.The Joint Registrar of Co-operative Societies,
Dindugul, Dindugul District.

2.The Circle Deputy Registrar of Co-operative Societies,
Dindugul, Dindugul District.

3.The Administrator,
DD36, Sithiyankottai Primary
Agriculture Co-operative Credit Society,
Sithiyankottai, Dindugul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the death cum retirement benefits, encashment of earned leave salary and other monetary benefits on the basis of the petitioner's representations dated 01.07.2021 and 11.02.2022.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.K.Selva Ganesan
Additional Government Pleader
for R1 and R2



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ORDER

Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.K.Selva Ganesan, learned Additional Government Pleader appearing for the respondents 1 and 2.

2. The petitioner is the wife of one Saravana Ganesh, who worked as an Attender / Clerk in the third respondent Society and died on 02.05.2021 while in service. The petitioner has come up with this petition seeking to issue a Writ of Mandamus directing the respondents to pay the death cum retirement benefits, encashment of earned leave salary and other monetary benefits on the basis of her representations dated 01.07.2021 and 11.02.2022.

3. Mr.C.Jeganathan, learned counsel appearing for the petitioner submitted that on enquiry he came to know that only in view of the surcharge proceedings initiated against the petitioner, in her capacity as a legal heir of the deceased employee, the terminal benefits of the deceased are not released. It is his submission that so far as surcharge



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proceedings are concerned, it is more or less like revenue due and hence, it can be recovered under any mode of recovery other than withholding the terminal benefits of the deceased.

4. At this juncture, it is relevant to extract Section 87(2) of the Tamil Nadu Co-operative Societies Act.

"(2) Without prejudice to any other mode of recovery which is being taken or may be taken under this Act or any other law for the time being in force, any sum ordered under this section to be repaid to a registered society or recovered as a contribution to its assets may be recovered as if it were an arrear of land revenue and for the purpose of such recovery, the Registrar shall have the powers of a Collector under the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864)."

5. Even Mr.K.Selva Ganesan, learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the retiral benefits of the deceased employee can be released on account of other mode of recovery available under the Tamil Nadu Co-operative Societies



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Act itself. In such case, I find no difficulty for the respondents to disburse the retiral benefits of the petitioner's deceased husband.

6. In view of the above observations, the writ petition is **disposed of** and the respondents are directed to consider the representations of the petitioner dated 01.07.2021 and 11.02.2022 and pass orders to release the terminal benefits of the petitioner's deceased husband within a period of four weeks from the date of receipt of a copy of this order and resort to other mode of recovery as contemplated under Section 87(2) of the Tamil Nadu Co-operative Societies Act, so far as, surcharge due is concerned. No costs.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To
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- 1.The Joint Registrar of Co-operative Societies,
Dindugul, Dindugul District.
- 2.The Circle Deputy Registrar of Co-operative Societies,
Dindugul, Dindugul District.



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R.N.MANJULA, J.

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