



W.A.(MD)No.1097 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.07.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.1097 of 2024 and
C.M.P.(MD)No.8278 of 2024**

The Joint Registrar/President of Public
Personnel of Cooperative Societies (PACCS),
Tiruchendur. ... Appellant
vs

1.R.Usha Jothipackiaceli

2.The Deputy Registrar of Cooperative Societies,
Tiruchendur.

3.The President,
E.E.418, Arumuganeri Primary Agricultural
Cooperative Credit Society,
Thoothukudi District. ...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside
the order of this Court dated 03.02.2023 passed in W.P(MD)No.2172 of
2023.

For Appellant : Mr.K.S.Selvaganesan
Additional Government Pleader
For R1 : Mr.R.Saravanan



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JUDGMENT

(Judgment of this Court was delivered by **G.ARUL MURUGAN, J.**)

This Writ Appeal is directed against the order, dated 03.02.2023 made in W.P.(MD)No.2172 of 2023, whereby, the Writ Court directed the appellant to settle the terminal benefits of the Writ Petitioner by withholding a sum of Rs.4,11,144/-, which according to the appellant, has been excessively paid.

2.The Writ Petitioner, who was promoted and worked as Secretary in the third respondent Society in the year 2011, retired from service in the year 2022. The petitioner along with other persons had challenged G.O.Ms.No.189, dated 17.11.2009 in W.P.(MD)No.10235 of 2014, which was allowed on 06.11.2019 and confirmed by the Division Bench in W.A.(MD)No.452 of 2022, wherein, the respondents in that Writ Petition were directed to calculate the arrears and pay the arrears together with interest at the rate of 7.5% per annum. While two of the employees covered under the Writ Petition retired in the year 2018 and 2019, the terminal benefits were settled. However, after the retirement from service, the terminal benefits of the first respondent was not settled. Challenging the order of the appellant,



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dated 12.12.2022, the first respondent preferred the Writ Petition, which was disposed of with a direction to settle the terminal benefits after withholding the alleged excess pay of the sum of Rs.4,11,144/-. Challenging the same, the appellant is before this Court.

3.It is brought to our notice that the very same impugned order passed in the Writ Petition was put to challenge by the third respondent Society and the Division Bench by order, dated 27.02.2024 in W.A.(MD)No.67 of 2024, by recording the fact that the amount of Rs.4,11,144/- has already been paid by the Society to the Writ Petitioner, disposed of the appeal. The relevant portion in the said order is extracted hereunder:

“2.Paragraph No.6 of the impugned order reads thus:

“6. Considering the facts and circumstances of the case, admittedly, the respondents claimed that excess amount of Rs.4,11,144/- was paid to the petitioner, thereby withhold the entire terminal benefits of the petitioner, which is not sustainable one. Hence, this Court directs the first respondent to withhold a sum of Rs.4,11,144/- for a period of eight weeks, to enable the Society to number the writ appeal and get a restrained order and the balance amount should be disbursed to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. If the Society not obtained any restrained order as against the petitioner, in the said writ appeal, the respondent Society is



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directed to pay the withhold amount of Rs.4,11,144/- within a period of ten weeks from the date of receipt of a copy of this order with applicable interest.”

3.The learned counsel for the appellant submits that the appellant has already filed an appeal as referred to in Paragraph No.6 of the order. However, the same is still pending.

4.The learned Advocate for the original writ petitioner submits that the said appeal is pending at the SR stage. The same bears number WA(MD) SR No.33628/2021.

5.The amount of Rs.4,11,144/- has already been paid by the appellant to the original writ petitioner. The impugned order stands complied with. As such payment shall be subject to the decision that may be taken by this Court in writ appeal SR No. 33628/2021 filed by the appellant.

6. With this observation, the writ appeal stands disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.”

4.In view of the order passed as against the very same impugned order and by recording the same, the Writ Appeal stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**[R.S.K., J] & [G.A.M., J]
03.07.2024**

Index :Yes/No
NCC :Yes/No
cmr



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To
The Deputy Registrar of Cooperative Societies,
Tiruchendur.



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R.SURESH KUMAR, J.

AND

G.ARUL MURUGAN, J.

cmr

Judgment made in
W.A(MD)No.1097 of 2024

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