



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 01.04.2025

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.4041 of 2025

T.Prabakaran

.. Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.

2. The Deputy Registrar of Cooperative Societies,
Chidambaram Circle, Chidambaram,
Cuddalore District.

3. The Administrator,
Chidambaram Cooperative Primary Agriculture
and Rural Development Bank Limited.,
No.1, 2nd Main Road, Kanakasabai Nagar,
Chidambaram – 608 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse the interest at the rate of 10% for belated payment of gratuity for the period from 30.11.2006 to 08.12.2022 to the petitioner within stipulated time as fixed by this Court.



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For Petitioner .. Mr.C.Prakasam

For Respondents .. Mr.S,Ravikumar, SGP

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to disburse the interest at 10% for the belated payment of gratuity for the period from 30.11.2006 to 08.12.2022. within the stipulated period.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had joined the 3rd respondent Bank on 01.06.1970 as Supervisor and was subsequently promoted as Secretary on 15.04.1996. He was due to retire on attaining the age of superannuation on 30.11.2006, but the petitioner was not permitted to retire. Thereafter, a charge memo had been issued to the petitioner. The petitioner had filed W.P.No.12218 of 2007 challenging the charge memo. That writ petition had been dismissed with liberty to file a revision petition under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983. Thereafter, the petitioner was relieved from service on 09.03.2007. It had been stated that the petitioner had been seeking payment of the gratuity amount due and payable to the him.



WEB COPY 3.The respondents in their counter affidavit had stated that the terminal benefits due to the petitioner had been disbursed in four separate instalments and the details had been given as follows:

S.No	Particulars	Due	Disbursed	Date of Disbursement
1	Employees Provident	Rs.3,48,809/-	Rs.13,47,700/-	08.12.2022
2	Gratuity	Rs.3,38,227/-	Rs.3,38,227/-	08.12.2022
3	Encashment of Earned Leave	Rs.40,044/-	Rs.40,044/-	31.03.2023

4.It had been stated that if the petitioner had been aggrieved by the aforementioned calculation, the petitioner could have filed a revision under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 before the Regional Joint Registrar of Cooperative Societies, Cuddalore Region, Cuddalore / the Revisional Authority by paying the necessary prescribed fees, but the petitioner had not taken resort to that particular revision and had filed the present writ petition.

5.Heard both sides.



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6.The petitioner had not been permitted to retire from service on the date of attaining the age of superannuation on 30.01.2006. A charge memo had been issued to the petitioner. The petitioner had questioned the same by initially filing the writ petition. Thereafter, there were further litigations between the petitioner and the respondents. It had been stated that proceeding had been initiated under Section 87 of the Act, but the petitioner claims that not such proceedings were pending. The respondents had finally, released the amount payable to the petitioner. By this writ petition, the petitioner claims interest should be paid for the belated payment.

7.The learned counsel for the petitioner placed reliance on the observations of the judgment of the Division Bench of this Court dated 28.10.2020 in *W.A.No.562/2020, V.Pandian Vs. The Joint Registrar of Cooperative Societies, Cuddalore District and two others* wherein, the Division Bench had examined the issue of grant of interest for belated payment of gratuity. It had been observed that 10% simple interest is due and payable in accordance with Section 7(3A) of the Gratuity Act, 1972.



WEB COPY 8.A similar direction is issued that appropriate interest as provided under the Gratuities Act, 1972 should be paid to the petitioner. The entire exercise must be completed within a period of six months from the date of receipt of a copy of this order.

9.With the above observations, this Writ Petition stands disposed of.

No costs.

01.04.2025

Index:Yes/No

Internet:Yes/No

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To

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6

C.V.KARTHIKEYAN,J.

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