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WP No. 29969 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

WP No. 29969 of 2025

and

WMP No. 33597 OF 2025

1. C.Logeswaran
S/o.P.M.Chengalani,
No.10/110, H.C.Kuppusamy Street,
Stuartpet, Arakonam 631 001.

Petitioner(s)

Vs

1. The Regional Joint Registrar Of Co-operative
Society
Collectorate Building,(Ranipet Regions) Ranipet,
Ranipet District.

2.The Administrator / Special Officer
C-1317 Arakonam Cooperative Primary
Agricultural And Rural Development Bank Ltd.,
No.1, Jothi Vallar Street, Jothi Nagar,
Arakonam-631 003, Vellore District.

Respondent(s)

PRAYER: Calling for the records of the respondents particularly that of the 2nd respondent dated 04.07.2025 and quash the same as illegal, unlawful, without jurisdiction besides ultra vires and consequently direct the respondents to pay



the service cum terminal benefits in a sum of Rs.20,71,010/- together with accrued interest until the date of full realization within the time frame to be stipulated by this Honourable Court

For Petitioner: Mr.T.S.Rajmohan

For R1 Dr.S.Suriya,
Additional Government Pleader

For R2 Mr.P.Gurunathan,
Additional Government Pleader

ORDER

This writ petition is filed for the following relief:

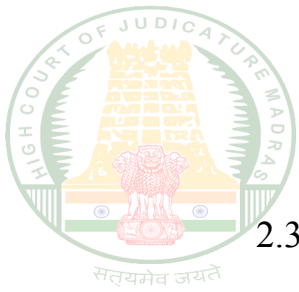
" calling for the records of the respondents particularly that of the 2nd respondent dated 04.07.2025 and quash the same as illegal, unlawful, without jurisdiction besides ultra vires and consequently direct the respondents to pay the service cum terminal benefits in a sum of Rs.20,71,010/- together with accrued interest until the date of full realization within the time frame to be stipulated by this Honourable Court "

2. The brief facts which are culminated in filing this writ petition are set out below:



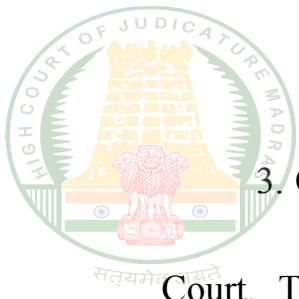
2.1 The petitioner had joined the service of the 2nd Respondent/Society in the year 1969 as a Clerk. After being promoted to various positions, he had been promoted as Secretary on 02.09.1999 and attained the age of superannuation on 30.06.2004.

2.2 The petitioner would submit that 5 days prior to his attaining of superannuation he was issued with charge memo dated 25.06.2004 stating that he was involved in the disbursement of a loan in an improper manner to the power loom weavers and he had not taken steps to recover the loan. It was further alleged that the petitioner failed to shift the society to the new building for which sanction has been granted as early in the year 2001. Since he had received the charge memo, the petitioner had sought to quash the same by filing W.P.No.19890 of 2004. The challenge was on the ground that the charge memo was tainted with malafide and motivated one. The petitioner was permitted to retire on 30.06.2004 without prejudice to the pending charges. The petitioner would however submit that his terminal benefits were withheld by 2nd Respondent by invoking the rule 149(3) of the Tamil Nadu Co-operative Societies Rules, 1988.



2.3 The petitioner would contend that after being superannuated, the

Respondent had no authority to issue charge memo. W.P.No.19890 of 2004 was allowed in favour of writ petitioner and the impugned charge memo was set aside, however, this Court had reserved the liberty to Respondent/Society to proceed against the petitioner under Section 87 of the Act, if so advised. This order was taken up on appeal by the 2nd Respondent/Society in W.A.No.112 of 2012. The Writ Appeal was dismissed by order dated 15.02.2012. Since the retirement benefits had not been disbursed to the petitioner, he was constrained to file W.P.No.33606 of 2012 seeking mandamus against the 2nd Respondent herein to release the retirement benefits like Provident Fund, gratuity, encashment of accumulated earned leaves without further delay and without any recovery with penal interest by order dated 21.02.2014. The writ petition was allowed and the 2nd Respondent was directed to release the terminal benefits within a period of eight weeks from the date of receipt of copy of the order. The learned Judge also noted that though opportunity was granted to 2nd Respondent to initiate surcharge proceedings, they had not chosen to initiate the same all though 3 years had passed since order passed in W.P.No.19890 of 2004.



3. Once again, the 2nd Respondent failed to comply with the order of the Court. Thereafter, the petitioner had filed Contempt Petition No.3372 of 2014.

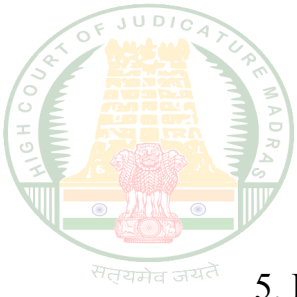
On receipt of the notice from the Court, the 2nd Respondent had paid the sum of Rs.5,33,965/- by cheque dated 22.01.2015.

4. The 2nd Respondent by letter dated 22.01.2014 by referring to the Contempt Petition, held that as far as Provident fund was concerned, the petitioner's contribution was Rs.2,64,000/- and the employer's contribution was Rs.3,56,892/-, totalling to Rs.6,20,892/-. Gratuity worked out to the sum of Rs.3,29,639/-, the earned leave worked out to the sum of Rs.1,05,882/-, in total, Rs.10,56,413/-. Rs.1,52,556/- was deducted by citing the Government Order besides Circular of Registrar by contending that there was audit objection and therefore, since the Court had granted opportunity to initiate Surcharge Proceedings, the question of payment of balance amount would not arise. The said letter was suitably replied by the Petitioner vide his reply dated 09.03.2015 wherein he had specifically stated that he was entitled to a total sum of Rs.13,09,790/- as on 09.03.2015, after giving credit only to the sum of Rs.5,33,965/-, the petitioner had filed W.P.No.11999 of 2015 for a mandamus



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directing the Respondent to pay the terminal benefit. By order dated 23.04.2015, the learned Judge had disposed of the Writ Petition by directing the petitioner to file a revision under section 153 of the Tamil Nadu Co-operative Societies Act before the concerned Authority within a period of 30 days from the receipt of the copy of the order and the revisional authority was thereafter directed to consider the same and pass the orders on merits. The petitioner had accordingly filed a revision before the authority under section 153 of the Tamil Nadu Co-operative Societies Act and by order dated 10.09.2015, the 1st Respondent passed orders in the Review Petition No.5 of 2015 rejecting the petitioner's plea. Challenging the same, the petitioner had filed W.P.No.31842 of 2015 on the file of this Court by order dated 31.01.2005. Thereafter, the Respondent had passed the impugned order dated 04.07.2025 stating that the sum of Rs.2,73,548/- should be paid to the petitioner which constitutes the amount that had been retained. The petitioner is aggrieved by the fact that the total amount payable was Rs.23,45,886/- and after giving credit to the amount already paid, the petitioner was to receive a sum of Rs.20,71,010/-. Therefore, challenging the reply dated 04.07.2025, the petitioner is before this Court.



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5. Heard the learned Counsels on either side. The above narration of facts would clearly highlight the fact that despite the orders of this Court, the Respondent has failed to comply with the orders. The latest of such orders was on 31.01.2025 in W.P.No.31842 of 2015 in and by which the learned Judge had passed final order, which is extracted hereunder.

7. In the circumstances, this Court is not inclined to interfere with impugned order in its entirety and is of the considered view that appropriate direction to be issued to the 2nd respondent and accordingly there shall be a direction to the 2nd respondent to calculate and pay interest on the delayed payment of the terminal benefits at the rate of 6% per annum with effect from 16.02.2012 together with an amount of Rs.1,52,566/- withheld by the 2nd respondent, as expeditiously as possible, at any rate, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that the said amount of Rs.1,52,566/- also would carry interest at the rate of 6% from 16.02.2012.

also this order was not complied with. The petitioners are therefore in contempt of the orders of this Court on account of this breach. The impugned



communication does not address the directions passed by this Court in

W.P.No.31842 of 2015. In the said order, the learned Judge has clearly stated

that the 2nd Respondent should calculate and pay interest on the delayed

payment of terminal benefits at 6% per annum with effect from 16.02.2012

together with the amount of Rs.1,52,566/- withheld by the 2nd Respondent.

However, the 2nd Respondent has now sought to review the order passed by this

Court by passing the impugned order. Therefore, the said order is without

jurisdiction and consequently, the Writ Petition is allowed and the impugned

order is set aside and the directions are issued to the Respondent to comply with

the order in W.P.No.31842 of 2015 by paying the service cum terminal benefits

of Rs.23,45,886/- on or before 25.08.2025 and shall report compliance on

26.08.2025.

6. Accordingly, the Writ Petition is allowed with the above directions.

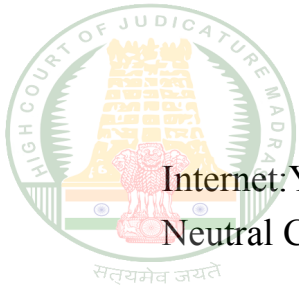
Consequently, connected miscellaneous petition is closed. No costs.

11-08-2025

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Index: Yes/No

Speaking/Non-speaking order



Internet: Yes

Neutral Citation: Yes/No

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To

1.The Regional Joint Registrar Of Co-operative
Society

Collectorate Building, (Ranipet Region)

Ranipet, Ranipet District.

2.The Administrator / Special Officer

C-1317 Arakonam Cooperative Primary

Agricultural And Rural Development

Bank Ltd., No.1, Jothi Vallar Street,

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