



W.P.No.30522 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.30522 of 2018 and
W.M.P.Nos.35598 & 35601 of 2018

P.Anbazzhagan

... Petitioner

Vs.

- 1.The Registrar,
Co-operative Society (Housing),
Housing and Urban Development Department,
No.22, 4th Main Road,
Gandhi Nagar, Adyar, Chennai 600 020.
- 2.The Deputy Registrar of Co-operative Society (Housing),
Cuddalore District,
No.22, ARA Complex, Nethaji Nagar,
Manjakuppam, Cuddalore.
- 3.The Tamil Nadu Co-operative Housing Federation Limited,
Rep by its Chairman,
Ritherdon Road,
Vepery, Chennai 600 007.
- 4.The Liquidation Officer,
S.A.HSG.53,Thirukovilur Taluk,
Co-operative Housing Society Limited,
Manjakuppam, Cuddalore 607 001.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the fourth respondent to pay the terminal benefits of the petitioner amounting to a sum of Rs.8,05,919/- (being the balance of the provident fund and gratuity amount of Rs.16,40,546/- sanctioned and credited by the third respondent Federation to the Society) and the arrears of pay and earned leave encashment amounting to Rs.9,05,274/- both together totally to Rs.17,11,193/-.

For Petitioner : Ms.N.Kavitha Rameshwar
For Respondents : Mr.S.Ravikumar, SGP

ORDER

This Writ Petition has been filed to direct the fourth respondent to pay the terminal benefits of the petitioner amounting to a sum of Rs.8,05,919/- (being the balance of the provident fund and gratuity amount of Rs.16,40,546/- sanctioned and credited by the third respondent Federation to the Society) and the arrears of pay and earned leave encashment amounting to Rs.9,05,274/- both together totally to Rs.17,11,193/-.



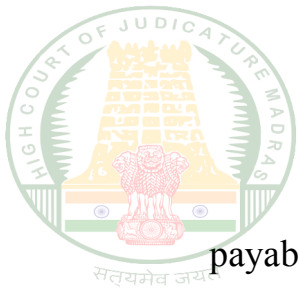
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2. Heard Ms.N.Kavitha Rameshwar, learned counsel for the petitioner, Mr.S.Ravikumar, learned Special Government Pleader for the respondents and perused the materials available on record.

3. The petitioner was working as a Secretary in the respondent Cooperative Society and retired on attaining the age of superannuation on 31.05.2014.

4. The learned counsel for the petitioner submitted that according to the proceedings issued by the respondent Society on 30.05.2014, it is stated that the petitioner is entitled to receive a sum of Rs.16,40,546/- towards retirement benefits. Despite the cheque has been issued on 31.05.2014 for a sum of Rs.16,62,941/- including the EPF amount, the same was ordered to be returned to the respondents. Accordingly, the petitioner returned the same and thereafter, the petitioner has been making piece meal payments on several occasions to the tune of Rs.8,00,000/-. As the petitioner did not receive the remaining amount



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payable to him, he has given various representations to the respondents requesting to disburse his remaining terminal benefits. But, the same were not considered so far. Hence, the petitioner is before this Court.

5. The learned Special Government Pleader for the respondents submitted that the petitioner is entitled to only Rs.2,03,765.80/- towards gratuity.

6. But there is no reference about the rest of the payments payable to the petitioner. Having issued the proceedings immediately after the retirement of the petitioner by stating that the petitioner is entitled to get the total emoluments of Rs.16,62,941/- towards terminal benefits, the respondents cannot withhold the same without stating any reasons. Despite the respondents have got a duty to consider the representation of the petitioner and pass orders, so far no orders have been passed. As the terminal benefits are paid to the retired servants only to manage their post retirement commitments, the delay in settling the same will cause huge inconvenience and irreparable loss to them.



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7. In view of the same, this Writ Petition is disposed and the fourth respondent is directed to consider the representation of the petitioner on a war footing basis and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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06.03.2025



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R.N.MANJULA, J.

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To

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