

W.P.(MD) No.256 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

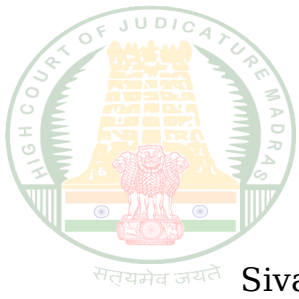
W.P.(MD)No.256 of 2025

K.Pandi

... Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
170, N.V.Natarajan Maligai,
Periyar E.V.R. High Road,
Ponmalai High Road,
Kilpauk, Chennai – 600 010.
- 2.The Joint Registrar of Co-operative Societies,
Opp. to Government Women Arts College,
Sivagangai – 630 562.
- 3.The Deputy Registrar of Co-operative Societies,
Opp. to Government Women Arts College,
Sivagangai – 630 562.
- 4.The Special Officer,
N.N-628, Primary Agricultural Co-operative Bank,
Nattarasankottai,
Nattarasankottai Post,



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Sivagangai Taluk,
Sivagangai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to take action for payment of the petitioner's retirement benefits including General Provident Fund, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

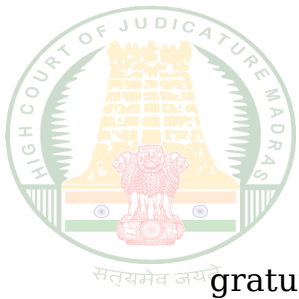
For Respondents 1 to 3 : Mr.D.Sachi Kumar

Additional Government Pleader

ORDER

Heard both sides and carefully perused the materials available on record.

2. The petitioner worked as Salesman in the fourth respondent bank from 01.12.1986 to 31.05.2022. He retired from service on 31.05.2022, on attaining the age of superannuation as per the proceedings dated 28.03.2023 of the fourth respondent. The Society also certified that there are no dues pending to the society from the petitioner. The petitioner is entitled for total



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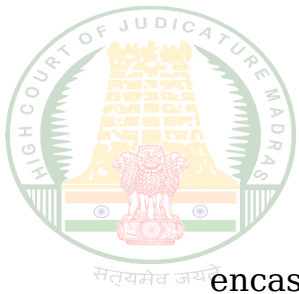
gratuity and encashment of leave salary for a sum of Rs.6,09,202/-.

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The Society also passed a resolution to that effect on 28.03.2023 but the fourth respondent paid only Rs.70,000/- from 02.09.2023 to 12.06.2024. Thereafter, no payment is made and the balance amount to be paid to the petitioner toward gratuity and Earned Leave Encashment is Rs.5,34,202/-. The petitioner submitted a representation to the respondents on 29.09.2024, requesting to pay the balance amount to DCRG and encashment of leave salary and GPF amount but there is no action from the respondents. Aggrieved by the same, he filed the present Writ Petition.

3. Learned Additional Government Pleader, on instructions would submit that it is true that the fourth respondent has to pay Rs.5,34,202/-, to the petitioner but due to the financial crisis of the fourth respondent Society, the said amount is not paid till now to the petitioner and he submits that it will be paid in due course.

4. Having considered the submissions of the respective Counsels and perusal of the materials available on record, there is no dispute about the facts of the case. Admittedly, the petitioner is entitled for an amount of Rs.6,09,202/- towards Gratuity and



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encashment of leave salary with effect from the date of his retirement ie., on 31.05.2022, but he was paid only Rs.70,000/- from 02.09.2023 to 12.06.2024. It is settled law that the terminal benefits for which an employee is entitled are not bounty and as a right they are entitled for the said amounts. The action of the fourth respondent in not making the payment of the said balance of Rs.5,34,202/- till date without considering the representation of the petitioner dated 29.09.2024, is illegal, unjustified and contrary to the settled proposition of law laid down by the Apex Court and this Court time and again.

5. For the reasons stated above, this Court holds that the petitioner is entitled for an amount of Rs.5,34,202/- from the fourth respondent and the fourth respondent has to pay the said amount to the petitioner forthwith. This Court cannot ignore the difficulties of the retired employees to attend their day to day needs and to settle their dues through the terminal benefits for which they are entitled after retirement. The employer like the fourth respondent cannot take shelter on the ground of financial problems faced by them without settling terminal benefits of the petitioner which affects their rights guaranteed under the Constitution of India and



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it will seriously affect the welfare of the family members of the retired persons like the petitioner.

6. Accordingly, this Writ Petition is allowed. The fourth respondent is directed to pay an amount of Rs.5,34,202/-, with interest at the rate of 7.5% from 31.05.2022 to till the date of actual payment, within a period of four [4] weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

17.02.2025

NCC : Yes/No

Index: Yes/No

Internet : Yes

MR



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BATTU DEVANAND, J.

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