



W.P.(MD)No.3726 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

CORAM:

THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.(MD).No.3726 of 2025
and
W.M.P(MD).No.2676 of 2025

A.Chinnaiah

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600010.
2. The Joint Registrar of Co-operative Societies,
Pudukottai District Central Co-operative Societies,
Pudukottai.
3. The Deputy Registrar of Co-operative Societies,
Aranthangi Circle,
Pudukottai District.
4. The Secretary / Special Officer,
No.170, Venthanpatti Primary Agricultural Co-Operative Credit Society,
Melasivapuri Post,
Ponnamaravathi Taluk,
Pudukkottai District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent and to quash the same as illegal arbitrary and consequently direct the respondents to avail all the terminal benefits of the petitioner along with the interest rate of 12 % per annum for the belated period from 31.03.2016 to till date.

For Petitioner : Mr.S.Ramanathan
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and carefully examined the materials available on record.

2. The case of the petitioner is that he was appointed as a salesman through the 4th respondent board on 15.09.1984 and thereafter, his appointment was confirmed on 21.07.1987. He was allowed to retire from service on 31.03.2016. As there is no surcharge proceedings or disciplinary proceedings against the petitioner, he is entitled for all the terminal benefits after his retirement. Against the inaction of the

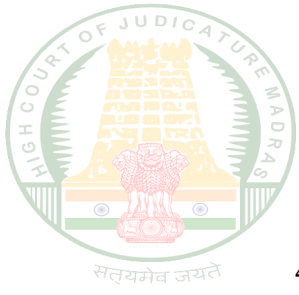


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respondents in settling the terminal benefits to the petitioner including pension, he filed a writ petition in W.P.(MD)No.8107 of 2017 before this Court. While disposing of the same, this Court by its order dated 27.04.2017, directed the respondent society to consider the representation of the petitioner and pass orders on merits within a period of 8 weeks. In compliance of the said order, a sum of Rs.1,20,000/- was paid to the petitioner on 20th December 2017, as a part payment from his gratuity. The remaining amount for which the petitioner is legally entitled are not settled now. Aggrieved by the same, the petitioner has filed the present writ petition.

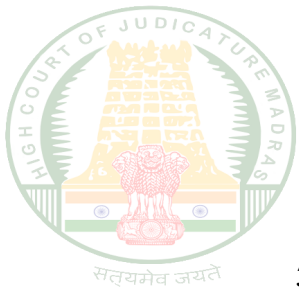
3. The learned counsel appearing for the petitioner would submit that the petitioner had served in the 4th respondent society for over 31 years 6 months and 16 days without any blemish. Now, the petitioner is entitled for the terminal benefits i.e., provident fund, earned leave benefits and gratuity by deducting the amount of Rs.1,20,000/- already paid to the petitioner as a part payment from the gratuity on 20th December 2017.



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4. As per the petitioner, now he is entitled for the balance amount of Rs.4,93,561/-. Though time is granted to the 4th respondent society they did not choose to file any counter affidavit. On perusal of the impugned order dated 30th May 2024, it appears that no charges are pending against the petitioner. Only to complete the audit till 2016-2017, the petitioner's pensionary benefits are not settled. It is stated in the impugned order that the petitioner's pensionary benefits will be granted after completion of the audit only for the year 2016-2017 due to the financial conditions of the society. This Court is unable to accept the reason stated by the 4th respondent society in the impugned order for not settling the pensionary benefits to the petitioner. Admittedly, the petitioner retired from service on 31.03.2016. The action of the respondents in not settling the terminal and other monetary benefits to the petitioner for the last 11 years is unjustified, illegal and unreasonable. Every employee is entitled for the terminal benefits and other pensionary benefits after his retirement, if no charges are pending against him and no disciplinary proceedings are pending against him. The respondents are not paying the terminal benefits to a retired employee as charity. It is the right of the every employee to get the terminal and other monetary benefits after their retirement as it is not a bounty.



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5. The financial conditions of the respondent society is irrelevant for settling the terminal benefits to the petitioner. The petitioner has suffered a loss for the last 11 years after his retirement due to non-settlement of his terminal benefits. The loss caused to him and hardships faced by him has to be compensated by ordering interest also. For the aforesaid reasons, in the considered opinion of this Court, the petitioner has make out a strong case warranting interference of this Court and to allow the writ petition with certain directions to the 5th respondent to meet the ends of justice.

6Accordingly, this writ petition is allowed with the following directions:-

The 4th respondent is directed to disburse an amount of Rs.4,93,561/- towards the balance pensionary benefits payable to the petitioner with interest at the rate of 8% from 1st April 2016 to actual payment. The respondent shall disburse the said amount with interest within a period of 4 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

03.03.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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BATTU DEVANAND, J.

rgm

To

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