



WP(MD). No.9247 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.9247 of 2025
and
WMP(MD)No.6903 of 2025

Murugan M

... Petitioner

Vs

The Administrator,
Mu 8 Usilampatty Agricultural Producer
Co-Op. Marketing Society Limited,
Usilampatti,
Madurai District.

... Respondent

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the Respondent in his impugned order dated 31.12.2024 and quash the same as illegal in respect of the petitioners retirement benefit will be disbursed only on the outcome of the u/s 81 enquiry is concerned and consequently directing the respondent to disburse the retirement benefits within stipulated time without initiating the pendency of the u/s 81 enquiry.



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WP(MD). No.9247 of 2025

For Petitioner : Mr. C.Jeganathan,
Advocate.

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the Respondent in his impugned order dated 31.12.2024 and quash the same as illegal in respect of the term that the petitioners retirement benefits will be disbursed only on the outcome of the u/s 81 enquiry is concerned and consequently directing the respondent to disburse the retirement benefits within stipulated time without initiating the pendency of the u/s 81 enquiry.

2. The petitioner who had been superannuated as early as on 31.12.2024 had not been benefited with the terminal benefits on the ground that under Section 81 of the Co-operative Societies Act, 1983, enquiry is pending against him. The Hon'ble Division Bench of this Court in W.A.(MD)No.818 of 2024 dated 04.06.2024 had held that the terminal benefits of the person who have attained superannuation, cannot



WP(MD). No.9247 of 2025

be with held. An enquiry made under Section 81 of the Co-operative Societies Act, 1983, would entitle the Co-operative Society to initiate surcharge proceedings under Section 87 of the Tamil Nadu Cooperative Societies Act, and if any recovery order is passed under Section 87(2) of the Tamil Nadu Cooperative Societies Act, recovery can be made only under the provisions of the Tamil Nadu Revenue Recovery Act, 1864.

3. Therefore, the condition imposed on the order permitting him to retire, alone is quashed and the respondent is directed to disburse the terminal benefits to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

03.11.2025

NCC : yes /no
Index : yes / no
Internet : yes / no

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K.KUMARESH BABU, J.

3/4



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WP(MD). No.9247 of 2025

pnn

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Co-Op. Marketing Society Limited,
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ORDER
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and
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