

W.P(MD)No.10757 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 21.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.10757 of 2025

V. Ganesan

...Petitioner

Vs.

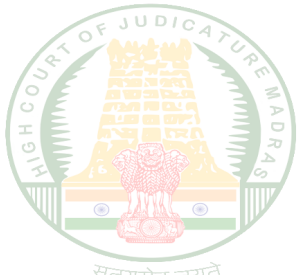
1.The Joint Registrar,
Office of the Joint Registrar of Coop Societies,
District Collectorate Premises,
Theni.

2. The Deputy Registrar,
Office of the Deputy Registrar of Coop Societies
Periakulam circle,
Thenkarai,
Theni District.

3. The Administrator,
A 1171 Allinagaram Primary Agricultural
Cooperative Credit Society Ltd.,
Allinagaram,
Theni.

....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a writ of Mandamus directing the respondents 1 and 2 to sanction and settle the petitioner's personal benefits like encashment of earned leave salary Rs.1,98,605/- EPF



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amount Rs.14,48,540/- and gratuity Rs.5,49,983- salary due Rs.2,86,430/- totally comes to Rs.24,83,558/- with interest at the rate of 12% from 01.03.2023 based on the petitioner's representation dated 22.01.2025.

For Petitioner : Mr.B.Kumaresan
For Respondents : Mr.P.Subbaraj
Special Government Advocate

ORDER

This writ petition is filed seeking a direction to the respondents 1 and 2 to sanction and settle the petitioner's retirement benefits with interest at the rate of 12% from 01.03.2023 based on the petitioner's representation dated 22.01.2025.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The case of the petitioner is that the petitioner, who worked as the Clerk in the third respondent Society, retired on 28.02.2023 on attaining superannuation. Thereafter, the third respondent sent a proposal



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to the second respondent seeking permission to disburse the retirement benefits to the petitioner and the same was granted by the second respondent on 27.02.2023. But the respondents did not disburse the retirement benefits for a sum of Rs.24,83,588/-. The petitioner submitted a representation to the respondents on 25.02.2023 to pay his retirement benefits. There is no response from the respondents. Aggrieved by the same, the present writ petition is filed.

4. The learned counsel for the petitioner submits that the petitioner is entitled to get Earned Leave salary, gratuity and Provident Fund amount. The said amounts were also not disbursed by the third respondent. The learned counsel further submits that after retirement, the petitioner is starving with the family members having no other source of income. He is also suffering from various diseases due to old age. His old aged parents are also depending upon him. Due to that, the petitioner is suffering mentally and physically.

5. On careful perusal of the materials available on record, it appears that the petitioner retired from service on 28.02.2023 and the

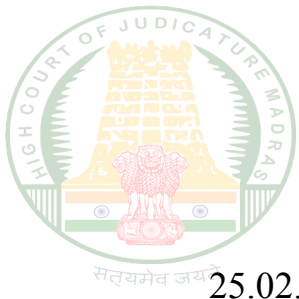


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respondents allowed him to retire from service. In view of the same, it is clear that no charges are pending against the petitioner. As and when the petitioner is allowed to retire from service, it is the responsibility of the respondents to settle all retirement benefits to the petitioner. The retirement benefits such as Provident Fund, Earned Leave salary, gratuity and salary dues are payable to the petitioner immediately after his retirement or within a reasonable period. Paying the retirement benefits to the petitioner by the respondents is not a charity. The petitioner is entitled legally for the said retirement benefits. The action of the respondents in not settling the retirement benefits to the petitioner without any reason is to be declared as illegal, unjust and in violation of Article 21 of the Constitution of India.

6. This Court fully agrees with the submissions of the learned counsel for the petitioner. After retirement, having no other source of income, the petitioner is suffering with serious problems due to health and domestic issues. The respondents are not expected to withheld the retirement benefits for which the petitioner is legitimately entitled. The action of the respondents in not considering the representation dated



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25.02.2023 of the petitioner and not acting upon the same is also illegal and unjust.

7. Considering all these aspects, this Court is holding that the action of the respondents in not disbursing the retirement benefits to the petitioner from 28.02.2023 is illegal, unjust and violative of Article 21 of the Constitution of India.

8. Accordingly, this writ petition is allowed with a direction to the respondents to disburse the retirement benefits to the petitioner within a period of three weeks from the date of receipt of a copy of this order with interest at the rate of 6% per annum from his date of retirement.

There shall be no order as to costs.

21.04.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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BATTU DEVANAND, J.

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