



W.P(MD)No.11830 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.11830 of 2025

A. Palaniyandi

...Petitioner

Vs.

1. The Cooperative Sub Registrar/Administrator,
MM 368 Adanakkottai Primary Agricultural
Cooperative Credit Society,
Adanakottai,
Pudukottai District.

2. The Deputy Registrar of Cooperative Societies,
Pudukkottai Circle,
Integrated Cooperative Office Complex,
Annavasal Road, Pudukottai.

...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 to sanction petitioners retirement financial benefits with interest by considering the representation of the petitioner dated 28.03.2025.



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For Petitioner : Mr. S.Karthikeyan

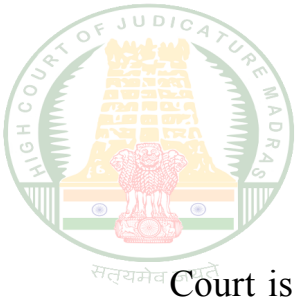
For Respondents : Mr.P. Subbaraj,
Special Government Pleader

ORDER

Heard the learned Counsel for the petitioner and the learned Special Government Pleader and carefully perused the materials available on record.

2. The petitioner who worked as Assistant Secretary in the first Respondent society after completion of 34 years of service, he retired from service on 31.08.2023 and even till date, single rupee is not paid by the respondents to the petitioner towards his retirement benefits. A representation submitted by the petitioner on 28.03.2025 and the same was also not considered. As per the petitioner, at the time of retirement, no audit reports are pending against him and no criminal proceedings are pending against him and due to that reason only the respondents allowed the petitioner to retire from service on 31.08.2023, on attaining the age of superannuation.

3. The learned Special Government Pleader sought time to get instructions, considering the facts and circumstances of the case. But, this



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Court is not inclined to grant time to the respondents considering the facts of the case.

4. The retirement benefits of an employee is his property. It is not bounty. The respondents are not doing any charity towards the petitioner by disbursing the retirement benefits. After retirement, every employee will have his own commitments towards his family necessity and to take care of the welfare of his family. As such withholding the retirement benefits of an employee for unreasonable period is not only illegal and unjust and it is violative of Article 21 of the Constitution of India, wherein right to life with dignity is provided. After retirement also the petitioner has to take care of his family and fulfill the needs of his family towards payment of rent to the house or paying EMI for loans and to meet out the expenditure of education purpose of the children and to meet the medical expenses and for survival of the family the retirement benefits and payment of pension is very essential to every retired employee. As such, the action of the respondents in the present case in not settling the retirement benefits to the petitioner even after more than one and half years is declared as illegal and unjust in violation of Article 21 of the Constitution of India.



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5. In view of the above said facts, this writ petition can be allowed with a direction to the respondents to settle all the retirement benefits to the petitioner along with interest at the rate of 6% from the date of retirement to till the date of actual payment.

6. Accordingly, this writ petition is allowed and the respondents are directed to settle all the retirement benefits to the petitioner forthwith along with interest at the rate of 6% from the date of retirement to till the date of actual payment.

There shall be no order as to costs.

25.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

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BATTU DEVANAND, J.

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