



W.P.(MD)No.14870 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.14870 of 2025

R.Ravi Chandran
(Ex. Secretary), S/o Ramasamy,
R.1171, Peruvalanallur Primary Agricultural
Co-Operative Credit Society,
10/6, Annai Nagar, Lalgudi,
Trichy District – 621 601.

... Petitioner

-vs-

- 1.The Joint Registrar of Co-operative Society,
O/o Joint Registrar of Co-operative Society,
Multipurpose Building,
Kajamalai, Tiruchirapalli - 20.
- 2.The Deputy Registrar of Co-operative Society,
O/o. Deputy Registrar of Co-operative Society,
Lalgudi, Trichy District.
- 3.The Administrator,
R 1171, Peruvalanallur Primary Agricultural
Co-Operative Credit Society,
Peruvalanallur Post, Lalgudi,
Trichy District - 621 712.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the arrears of terminal benefits with interest based on the representation dated 03.02.2025.



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For Petitioner : Mr.M.Sridharan
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to pay the arrears of terminal benefits with interest to the petitioner, based on his representation dated 03.02.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner submits that he joined as a Clerk in R 1171, Peruvalanallur Primary Agricultural Co-operative Credit Society on 30.01.1991 and was promoted as Secretary on 07.07.2013. He retired from service on 30.09.2023 after rendering long and blemish-free service. Upon retirement, his terminal benefits namely, Gratuity, Earned Leave Salary and Provident Fund were calculated based on the dearness allowance (DA) rate of 42%, prevailing as of 30.09.2023. Subsequently, the Tamil Nadu Government, through G.O.Ms.No. 312 dated 27.10.2023, enhanced the DA to 46% with effect from July 2023.



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Accordingly, the petitioner is entitled to revised terminal benefits, totaling Rs.2,96,224/-.

4. The petitioner further submits that he submitted a representation on 08.11.2024 requesting payment of the revised amount. However, the second respondent, vide his proceedings dated 07.01.2025, admitted the arrears but cited pending audit objections for the year 2020–2021 as a reason for withholding payment. The petitioner submits that the audit objection is unrelated to his legal entitlement and the indefinite delay in releasing the terminal dues is arbitrary and unjustified. The petitioner is financially distressed post-retirement, having to incur medical expenses by borrowing from financiers. Denial of timely disbursal of his lawful dues violates principles of fairness and causes undue hardship. Therefore, the petitioner has submitted a representation dated 03.02.2025. Since the same has not been considered so far, the petitioner seeks appropriate directions from this Court to direct the respondents to release the pending amount of Rs.2,96,224/- immediately, without being linked to the unresolved audit matter.

5. Heard both sides.

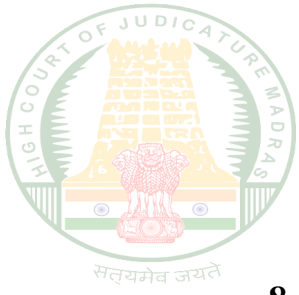


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6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 03.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

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Index : Yes / No

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