



W.P(MD)No.14347 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 28.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14347 of 2022
WMP(MD) Nos.22559 & 14854 of 2022

Amsavalli.S

... Petitioner

Vs

- 1.The Secretary to Government,
Tamil Nadu Co-Operative Socieities Department,
Fort St. George,
Chennai - 600 009.
- 2.The Registrar of Co-Operative Societies,
No.170, Periyar E.V.R. Highway,
Kilpauk, Chennai.
- 3.The Joint Registrar of Co-Operative Socieites,
Kajamalai,
Mannarpuram, Thiruchirappalli.
- 4.The Secretary,
Kiliyanallur Primary Agricultural Co-Operative Credit Society,
Kiliyanallur,
Mannachanallur Taluk,
Thiruchirappalli 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 Mandamus, directing the Respondents to settle the petitioner's son's death benefit Rs.3,00,000/- and retirement benefits with 18 percent interest per annum.

For Petitioner	: Mr.N.Sudhagar Nagaraj
For Respondents	: Mr.P.T.Thiraviam Government Advocate

ORDER

The petitioner is the mother of one Ekambaram, who served as a Salesman in a fair price shop run by the second respondent Society. He died on 09.12.2017. The petitioner with a grievance that the terminal benefits due to her son was not settled, has filed this writ petition, for a Mandamus, directing the respondents to settle the death benefits and the other retirement benefits due to her son Ekambaram.



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2.Today(28.01.2025), when this writ petition is taken up for hearing, there is no representation for the petitioner.

3.The second respondent has filed a counter affidavit stating that this petitioner was settled with a sum of Rs. 57, 899/- towards the terminal benefits. According to the learned Government Advocate, this petitioner's deceased son is entitled for the following benefits.

Gratuity	Rs. 27,332/-
Staff Security Deposit	Rs. 10,000/-
Interest	Rs. 7,529/-
FBF	Rs. 69,938/-
Employees Co-operative Thrift Credit Society share capital	
And thrift deposit amount	<u>Rs. 29,600/-</u>
Total	<u>Rs.1,44,399/-</u>

A sum of Rs.86,500/- has been deducted from the above eligible amount under the following heads:-

Towards Loan recovery for the Employees Cooperative Society	Rs. 84,900/-
Towards Festival Advance Recovery	<u>Rs. 1,600/-</u>
Total deduction	<u>Rs. 86,500/-</u>
Balance amount payable to the petitioner	<u>Rs. 57,899/-</u>



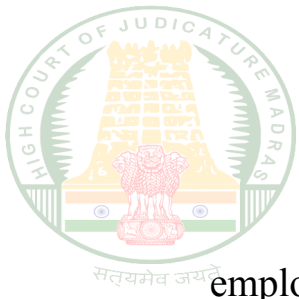
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4.A sum of Rs.57,899/- payable to the petitioner was already settled, vide Cheque No.22149, dated 18.12.2019. The learned Government Advocate further submits that the petitioner is also entitled for an insurance amount of Rs.3,00,000/-, for which a proposal has been made to the Insurance company, however, it was stated that the Insurance amount could not be sanctioned for want of legal heir certificate.

5.This Court considered the submissions of the second respondent.

6.The petitioner with a grievance that the terminal benefits due to her son was not settled, has approached this Court in the year 2022. It is reported that the terminal benefits were settled to this petitioner after deducting the loan amount availed by the petitioner's son. However, the insurance amount due to the petitioner's son was not settled to the petitioner for want of legal heir certificate. Admittedly, this petitioner is the mother of the deceased



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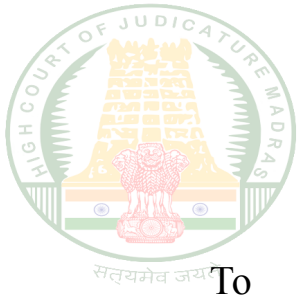
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employee. In the event, if the retirement benefits have been settled as claimed by the respondents, the same ought to have been settled after ascertaining the legal heir certificate. The respondent department is not justified that for want of the legal heir certificate, the insurance amount has not yet been settled.

7.In view of the above, this writ petition is disposed of with a direction to the respondents to ensure that the insurance amount due to the petitioner's son is settled to her, within a period of four months from the date of receipt of copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

28.01.2025

NCC:Yes/No
Index:Yes
vrn



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B.PUGALENDHI, J.

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