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W.P.(MD) No.18820 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.18820 of 2020

K.Joshua

... Petitioner

-VS-

1.The Secretary to Government
Housing and Urban Development
Secretariat, Fort St.George
Chennai-600 009

2.The Registrar (Housing)
Co-operative Housing Society
48, Ritherdon Road
Vepery, Chennai-600 007

3.The Managing Director
Tamil Nadu Co-operative Housing
Federation Ltd.
No.48, Ritherdon Road
Vepery, Chennai-600 007

4.Deputy Registrar (Housing)
Virudhunagar Region
No.3-DD-Road, Maninagaram
Virudhunagar District



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5.The President
Q.796, Siavakasi Co-operative
Building Society Ltd.
No.103/J, Kamarajar Salai
Railway Feeder Road
Sivakasi
Virudhunagar District-626 124

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus pertaining to the impugned order passed by the 4th respondent in Ref.Na.Ka.No.455/19 Sa.Pa/dated 15.11.2019, quash the same as illegal in so far as the settlement of part amount of the Terminal Benefits and in consequence directs the respondents to pay the Remaining Terminal Benefits amount including P.F., Unavailed Leave Salary, Salary Arrears (Settlement arrears for the period from 01.12.2011 to 13.01.2015) and Security Deposit payable to the petitioner together with 18% interest from the date of his voluntarily Retirement i.e. 14.01.2015 to till the date of payment and all other attendant benefits to him within the stipulated period.

For Petitioner : Mr.A.K.Thangavelu

For Respondents : Mr.A.Baskaran
Addl. Government Pleader for R1, R2 & R4
Mr.S.Kanmani Annamalai for R3
Mr.R.Saravanan for R5



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ORDER

This writ petition has been filed challenging the impugned order dated 15.11.2019, passed by the fourth respondent, rejecting the petitioner's request for payment of the balance terminal benefits payable to him by the fifth respondent – Society.

2. The petitioner has been allowed to voluntarily retire from service from the respondent – Society. He has been paid partially his terminal benefits on his voluntary retirement. However, a sum of Rs.6,32,322/- is still due and payable to the petitioner towards his remaining terminal benefits. Under the impugned order, due to financial constraint, the petitioner's request for payment of the remaining terminal benefits has been rejected. Admittedly, there is no disciplinary proceedings pending against the petitioner. The fifth respondent – Society has also admitted that a sum of Rs.6,32,322/- is still due and payable to the petitioner towards his remaining terminal benefits payable on his voluntary retirement.



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3. Learned counsel appearing for the fifth respondent – Society would submit that if sufficient time is granted, payments will be made to the petitioner towards his terminal benefits, which have not been paid fully.

4. Learned counsel for the petitioner has also placed on record an order dated 22.07.2024, passed by the Principal Seat of this Court in W.P.No. 34222 of 2023, in the case of ***Parvathakumari vs. The Deputy Registrar of Cooperative Societies, Namakkal Taluk, Namakkal and another***, involving a similar employee of another Co-operative Society. In the said order, a direction was issued to the Co-operative Credit Society to settle the terminal benefits with interest at the rate of 6% per annum, within a period of twelve weeks from the date of receipt of a copy of the order.

5. Since, in the case on hand, the fifth respondent – Society has admitted that a sum of Rs.6,32,322/- is due and payable to the petitioner towards his remaining terminal benefits and only on account of financial constraints, they are yet to pay the same, this Court, in this case as well, will have to direct the fifth respondent – Society to pay the amounts to the petitioner, within a time frame to be fixed by this Court.



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6. After giving due consideration to the financial constraints of the fifth respondent – Society, this Court, in this case, deems it fit to grant six months time for the fifth respondent – Society to settle the dues of the petitioner with interest at the rate of 6% per annum for the belated payments.

7. For the foregoing reasons, this writ petition is disposed of by directing the fifth respondent – Society to pay the petitioner a sum of Rs.6,32,322/-, being the balance amount payable to the petitioner towards his retirement benefits, together with interest at the rate of 6% per annum from the date of the petitioner's retirement i.e., on 14.01.2015 till the date of payment, within a period of six months from the date of receipt of a copy of this order. No costs.

03.11.2025

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

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ABDUL QUDDHOSE, J.

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