



W.P(MD) No.806 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No.806 of 2017

K.Balusamy

... Petitioner

VS

1. The Joint Registrar of Co-operative Societies, Thiruchirappalli Region, Thiruchirappalli.

2. The President,
The Thiruchirappalli Postal Employees,
Thrift and Credit Society Ltd., R-1271,
Srirangam, Thiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorarified Mandamus, to call for the records of 1st respondent dated 28.10.2013 bearing Na.Ka.No.2000/2012/Sapa and consequential order passed by the second respondent dated 16.11.2015 bearing No.28/15-16 and quash the same with regard to payment of interest portion is concerned and direct the second respondent to pay interest for the gratuity amount of Rs.2,50,385/- at 12% from the date of



W.P(MD) No.806 of 2017

retirement till its realization.

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For Petitioners : Mr.R.Saravanan
For R-1 : Mr.M.Sarangan
Additional Government Pleader
For R-2 : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 28.10.2013 bearing Na.Ka.No.2000/2012/Sapa and consequential order passed by the second respondent dated 16.11.2015 bearing No.28/15-16 and quash the same with regard to payment of interest portion is concerned and direct the second respondent to pay interest for the gratuity amount of Rs.2,50,385/- at 12% from the date of retirement till its realization.

2. The petitioner was serving as the Manager in the second respondent Society. He was issued with a charge memo dated 10.01.2003, by framing 17 charges. In the disciplinary proceedings, the charges were



W.P(MD) No.806 of 2017

WEB COPY

held to be proved. Thereafter, the then Special Officer passed a punishment order dated 30.01.2004, imposing compulsory retirement. The petitioner challenged the order in W.P.No.6452 of 2004. However, the petitioner was directed to approach the Regional Joint Registrar of Co-operative Societies under Section 153 of Tamil Nadu Co-operative Societies Act. In the said case, the first respondent passed an order dated 28.10.2013, wherein the compulsory retirement was set aside and consequently, directed the second respondent to pay all the retirement benefits, as by that time, the petitioner had attained superannuation on 31.01.2024. In the said order, specific direction was issued by the second respondent that no interest will be paid for the withheld retirement amount.

3. The contention of the petitioner is that the retirement amount to the tune of Rs.13,74,760/- was paid through three cheques and the details are given below:

- (i) Rs.3,46,545/- dated 14.12.2013 towards Gratuity and leave salary out of which Rs.2,50,385/- being Gratuity amount.
- (ii) Rs.9,47,155/- dated 24.03.2014 towards Provident Fund.
- (iii) Rs.81,060/- dated 24.12.2014 regarding to interest on the Provident Fund.



W.P(MD) No.806 of 2017

WEB COPY

However, the respondents failed to grant interest for the gratuity amount of Rs.2,50,385/-. Hence, the present writ petition came to be filed.

4. The contention of the respondent is that, while considering the disciplinary proceedings, the second respondent categorically passed an order modifying the punishment. However, interest will not be granted on the gratuity amount. In spite of the same, the present writ petitioner has been filed which is against the order passed by the second respondent. Further, the second respondent has not challenged the said order. If the petitioner is aggrieved by the said order, he ought to have challenged the same. Without setting aside the said order, the present claim cannot be entertained.

5. After considering the rival submissions, this Court is of the considered opinion that the second respondent is not empowered to withhold interest as far as gratuity amount is concerned, since the interest is granted under the statutory provisions. When the statute provides for



W.P(MD) No.806 of 2017

WEB COPY

interest on the belated payment of gratuity, the same cannot be refused.

6. The petitioner has filed this petition without challenging the second respondent's order, wherein interest portion was withheld. Even though the said order is not challenged, the present writ petition is belated, as the order was passed on 28.10.2013. Therefore, the petitioner is not entitled to 12% interest, however, he is entitled to 6.5% interest for the period from 01.02.2004 to 14.12.2023. Therefore, the respondents are directed to grant Rs.1,72,380/- as interest to the belated payment of gratuity within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is allowed in above terms. No costs.

13.02.2025

Index: Yes/No

Internet: Yes/No

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W.P(MD) No.806 of 2017

WEB COPY

To

1. The Principal Secretary to Government of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai -15.
2. The Director of Rural Development and
Panchayat Raj,
Panagal Building,
Saidapet, Chennai -15.
3. The District Collector,
Madurai District,
Madurai,



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W.P(MD) No.806 of 2017

S. SRIMATHY, J.,

jbr

W.P(MD) No.806 of 2017

13.02.2025