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W.P.(MD).No.28552 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.28552 of 2023

N.Kalyanaraman

...Petitioner

-Vs-

1.The Joint Registrar of Cooperative Societies,
Pudukottai-622 001.

2. The Managing Director,
MM.23, Alangudi Agricultural Producers
Cooperative Marketing Society Ltd.,
47, Gandhi Road, Alangudi-622 301,
Pudukottai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents to disburse the petitioner Provident Fund, Gratuity and Leave Salary along with the Subsistence Allowance for the period 01.04.2005 to 30.04.2009 with interest.

For petitioner

: Mr.K.Gurunathan

For Respondent No.1

: Mr.D.Sasikumar

Additional Government Pleader



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ORDER

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The instant writ petition has been filed by a retired clerk of the second respondent Cooperative Society, seeking a mandamus to disburse the petitioner's Provident Fund, Gratuity and Leave Salary along with subsistence allowance for the period between 01.04.2005 to 30.04.2009 along with interest.

2. According to the learned Counsel appearing for the writ petitioner, on certain allegations, he was placed under suspension on 05.06.2004, and he was reinstated on 20.05.2009. The petitioner was permitted to retire from service on 30.06.2023. However, his terminal benefits were not released so far. Hence, the present writ petition has been filed.

3. This Court by an order dated 18.12.2023, has directed the second respondent to release a sum of Rs.9,12,702/- to the petitioner within a period of twelve weeks.



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4. The learned Counsel appearing for the writ petitioner submits that the said interim order has been complied with on 21.06.2024. The second respondent society has filed a calculation memo before this Court and award proceedings dated 12.12.2024.

5. A perusal of the said calculation memo reveals that the society has retained a sum of Rs.3,11,101.47/- towards surcharge award. It further reveals that the petitioner would be entitled to get the balance amount of Rs.6,53,446.18/- on condition that the surcharge proceedings are closed and his representation for payment of subsistence allowance may be independently consider by the authorities.

6. Considering the above said facts, this Court is inclined to pass the following orders:

a) The second respondent Society is directed to disburse a sum of Rs.6,53,446.18/- to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.



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b) In view of retention amount of Rs.3,11,101.47/- towards surcharge award by the second respondent society, no further recovery shall be made from the writ petitioner towards surcharge proceedings.

c) The representation of the writ petitioner dated 25.10.2023, with regard to payment of subsistence allowance for the suspension period shall be consider by the second respondent society and orders may be passed within a period of twelve weeks thereafter.

6. With the above said observations, this writ petition is partly allowed. No costs.

09.01.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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R.VIJAYAKUMAR,J.
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