



W.P.(MD).No.29587 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.29587 of 2025

and

W.M.P(MD)Nos.22888 & 22889 of 2025

K.Arunachalam

...Petitioner

-Vs-

1. The Joint Registrar of Cooperative Societies /
Common Cadre Authority,
O/o. the Joint Registrar of Cooperative Societies,
Tenkasi Region, Tenkasi.

2. The Deputy Registrar of Cooperative Societies,
O/o. the Deputy Registrar of Cooperative Societies,
Tenkasi Circle, Tenkasi.

3. The Administrator,
O.1761, Thenpothai Primary Agricultural Cooperative Credit Society,
Thenpothai, Tenkasi District. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF Certiorarified Mandamus, to call for the records relating to the impugned order vide Na.Ka. 3/2025/ThoVeSa (4) dated 30.05.2025 passed by the 1st respondent and quash the same and consequently direct the respondents to disburse the retirement benefit such as Gratuity, Employees Provident Fund and Earned Leave Salary and other monetary benefit payable to the petitioner within the time frame.



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For petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned order in Na.Ka. 3/2025/ThoVeSa (4) dated 30.05.2025 passed by the 1st respondent and consequently seeking direction to the respondents to disburse the retirement benefit such as Gratuity, Employees Provident Fund and Earned Leave Salary and other monetary benefit payable to the petitioner.

2. The petitioner who had been superannuated as early as on 31.05.2025 had not been benefited with the terminal benefits on the ground that under Section 81 of the Co-operative Societies Act, 1983, enquiry is pending against him. The Hon'ble Division Bench of this Court in W.A. (MD)No.818 of 2024 dated 04.06.2024 had held that the terminal benefits of the person who have attained superannuation, cannot be withheld. An enquiry made under Section 81 of the Co-operative Societies Act, 1983, would entitle the Co-operative Society to initiate surcharge proceedings



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under Section 87 of the Tamil Nadu Cooperative Societies Act, and if any recovery order is passed under Section 87(2) of the Tamil Nadu Cooperative Societies Act, recovery can be made only under the provisions of the Tamil Nadu Revenue Recovery Act, 1864.

3. Therefore, the condition imposed on the order permitting him to retire, alone is quashed and the respondents are directed to disburse the terminal benefits to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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K.KUMARESH BABU.J.

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To

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