



W.P.(MD).No.34521 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.34521 of 2025

and

W.M.P(MD)Nos.27298 & 27299 of 2025

T. Nambiyar

...Petitioner

-Vs-

1. The Joint Registrar of Cooperative Societies/ Common Cadre Authority
O/o The Joint Registrar of Cooperative Societies
Thanjavur Region
Thanjavur

2. The Deputy Registrar of Cooperative Societies
O/o The Deputy Registrar of Cooperative Societies
Thanjavur Circle
Thanjavur District.

3. The Administrator
T.1656 Kalvirayanpettai Primary Agricultural Cooperative Credit Society
South Street
Kalvirayanpettai Post
Kalvirayanpettai
Thanjavur District 613601

...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.No. 3312/2024/Tho.Ve.Ku.Ka.Sa dated 31.07.2024 passed by the 1st respondent



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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 and pass such other appropriate order as this Honourable Court may deem fit and thus render justice.

For petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : M/s.P.B.Ahamad Yashmin Parvin
Government Advocate

ORDER

This writ petition is filed challenging the impugned order vide Na.Ka.No. 3312/2024/Tho.Ve.Ku.Ka.Sa dated 31.07.2024 passed by the 1st respondent and seeking consequential 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 31.07.2024 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



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of the person who have attained superannuation, cannot be with held. An enquiry made under Section 81 of the Co-operative Societies Act, 1983, would entitle the Co-operative Society to initiate surcharge proceedings 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 directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2025

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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