



W.P. No.635 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2026

CORAM:

THE HON'BLE MR. JUSTICE **M. DHANDAPANI**

W.P. No.635 of 2026
and W.M.P.Nos.774 & 775 of 2026

A.Santhamurthy

... Petitioner

Vs

The Joint Registrar of
Cooperative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.922/2009 Pa, dated 16.07.2021 and quash the same and consequently directing the respondent to calculate the interest at the rate of 10% for belated payment of Gratuity together with 12% interest for belated payment of Special Provident Fund along with arrears of the leave salary together with interest to the petitioner.

For petitioner : Mrs.Thendral
For Mr.C.Prakasam

For respondent : Mr.S.Ravi Kumar
Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the order dated 16.07.2021, passed by the respondent and consequently to direct the respondent to calculate the interest at the rate of 10% for belated payment of Gratuity together with 12% interest for belated payment of Special Provident Fund along with arrears of the leave salary together with interest to the petitioner.

2. The petitioner was working as Cooperative Sub Registrar and in the year 2009, he was working in the respondent's office as Cooperative Sub Registrar/Superintendent-II. While the petitioner was in service, he was placed under suspension on the ground a criminal case was pending as against the petitioner in C.C.No.109 of 2012 on the file of the learned Judicial Magistrate No.II, Panruti. However, at the time of retirement, the petitioner was not paid the terminal benefits on the ground of pendency of the criminal case. Thereafter, the criminal case was ended in conviction and imposed imprisonment and fine on 09.10.2014. As against that, the petitioner preferred an appeal before the lower appellate Court in C.A.No.52 of 2014 on the file of the learned I Additional District and Sessions Court, Cuddalore. The lower appellate Court allowed the appeal filed by the petitioner and set aside the conviction and sentence imposed as against the petitioner vide the judgment dated 25.07.2017.



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Thereafter, the petitioner made a representation before the respondent by annexing the order of the lower appellate Court dated 25.07.2017. However, the respondents disbursed the retirement benefit in the month of February, 2020 & May, 2020, without any interest. For claiming the interest for the belated payment of the terminal benefits from 2009 to 2020, the petitioner made a representation to the respondent on 31.10.2020. However, no order was passed. Hence the petitioner filed a Writ Petition before this Court in W.P.No.10293 of 2021 and this Court by its order dated 26.04.2021, issued a direction to the respondent to consider the petitioner's representation and pass an appropriate order. Pursuant to which, the present impugned order is passed on 16.07.2021, by rejecting the petitioner's request for claiming the interest from 2009 to 2020. Challenging the same, the present Writ Petition is filed.

3. The learned counsel appearing for the petitioner would submit that the duty caused upon the respondents to pay the terminal benefits immediately after the retirement. At the time of retirement, only criminal case was pending as against the petitioner and no order of conviction as against him. Denying the terminal benefits at the time of retirement is not acceptable one. Though initially the case was ended in conviction, subsequently the same was set aside by the lower appellate Court. Even then, the petitioner is entitled for interest from 2017



to 2020 for a period of three years. According, he prayed for the appropriate orders.

4. Per contra, the learned Special Government Pleader appearing for the respondent would submit that admittedly the criminal case was ended in acquittal only on 25.07.2017 and prior to that the criminal case was pending and the same was ended in conviction as against the petitioner thereby, the respondent was not settled the terminal benefits and it cannot be held as against the respondent, since the respondent was deliberately not disbursed the terminal benefits. Due to the pendency of the criminal case, the terminal benefits were not settled in which, the petitioner is not entitled for interest. However, the amount was settled only in the year 2020, immediately after receipt of the representation received from the petitioner. Hence, the respondent is not liable to pay any interest to the petitioner and accordingly prayed for appropriate orders.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.



6. The fact in this case is as follows :-

While the petitioner was working as Cooperative Sub Registrar, a criminal case was filed by the respondent society alleging that the petitioner being the Special Officer of the Virdhachalam Co-operative Housing Societies during the period between 30.09.1994 and 30.10.1996, conspired with A3, a private individual, who is the power agent of one Suyamprakasam, Amirthavalli and Kolanjiammal, entered into a sale agreement in respect of the land to an extent of 4.85 acres in different survey numbers at Boothammor Village, for the purpose of promoting housing layout. However, the petitioner failed to obtain prior permission and approval from the Registrar of Cooperative Society (Housing), Chennai under Rule 45(1) of the Bye Law of the Vridhachalam Housing Society. The said Rule stipulates that any such purchase should be made only out of the advance amount collected from the prospective purchasing members of the said society. However, the petitioner paid a sum of Rs.41,96,000/- to A2 by way of advance through 23 cheques on different dates and thereby, the petitioner defrauded and misappropriated the balance amount of Rs.33,87,692.50.

7. On that basis, initially the criminal case was ended in conviction by the lower Court in C.C.No.109 of 2012 on the file of the learned Judicial



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Magistrate No.II, Panruti, as against the conviction, the petitioner has preferred an appeal before the lower appellate Court in C.A.No.52 of 2014 on the file of the learned I Additional District and Sessions Judge, Cuddalore and the same was allowed by the lower appellate Court by the judgment dated 25.07.2017. Thereafter, the terminal benefits were settled in favour of the petitioner in the year 2020, after the delay of three years. However, the respondent was the party in the criminal proceedings and they well aware the appeal filed by the petitioner and the same was allowed in the year 2017. Immediately after allowing the appeal, it is the duty caused upon the respondent to disburse the terminal benefits forthwith. For non disbursing the amount in the year 2017, immediately after the acquittal, is not acceptable one and there is a considerable delay in settlement in which, the petitioner is entitle for interest.

8. Hence, the impugned order passed by the respondent in his proceedings Na.Ka.922/2009 Pa, dated 16.07.2021, is hereby set aside and there shall be a direction to the respondent to pay the interest for the belated terminal benefits at the rate of 6% per annum from 25.07.2017 to till the date of settlement of terminal benefits, within a period of six weeks from the date of receipt of a copy of this order.



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9. The Writ Petition stands disposed of with the above directions.

Consequently, connected miscellaneous petitions are closed. No costs.

20.01.2026

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No

rts

To

The Joint Registrar of
Cooperative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.



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M. DHANDAPANI, J.

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