



WEB COPY

WP No. 16620 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 16620 of 2024

and WMP.Nos.18237, 18239 of 2024

N.Manivannan

S/o.C.Nagarathinam No.1-1, Vallalar Streete, Vmp
Nagar, Kurinjipadi, Cuddalore District.

..Petitioner(s)

Vs

1. The Registrar Of Co-operative Societies
No.170, N.V.N. Malaigai,Kilpauk, Chennai- 10.
2. The Regional Registrar Of Co- Operative
Societies
Cuddalore Region, Cuddalore.
3. The Deputy Registrar Of Co- Operative
Societies
Cuddalore Circle, Cuddalore.
4. E2045, Kurinjipadi Primary Agricultural
Co- Operative Credit Society, Rep By Its
Administrator, Kurinjipadi, Cuddalore
District.

..Respondent(s)



Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of proceedings of the 4th respondent dated 31.05.2019 so far as withholding petitioner service benefits and consequential order of the 2nd respondent in R.C. No. 7011/ 2023/ DRA- 1 dated 18.03.2024 rejecting payment of petitioner Gratuity, Provident Fund, Earned leave Salary quash the same and consequently directing the respondents to pay the petitioners retirement benefits Viz. , gratuity of Rs.9,92,088 /- provident fund of Rs.25,71,631 /, earned leave salary of Rs.4,18,096/-, and security deposit of Rs.5000 /- totally Rs.39,86,815/- with statutory interest at the rate of 15 percent per annum from the date of retirement till payment.

For Petitioner(s): Mr.M.S.Palaniswamy

For Respondent(s): Mr.E.P.Senniyangini, GA

ORDER

The proceedings of the fourth respondent dated 31.05.2019 so far as withholding the petitioner's service benefits and consequential order of the second respondent in R.C. No. 7011/ 2023/ DRA- 1 dated 18.03.2024, rejecting the payment of petitioner's Gratuity, Provident Fund and Earned leave Salary, is put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to the respondents to pay the petitioner's retirement benefits Viz. , gratuity of Rs.9,92,088 /-; provident fund of Rs.25,71,631 /-; earned leave salary of Rs.4,18,096/-; and security deposit of Rs.5000 /- totally Rs.39,86,815/- with statutory interest at the rate of 15 percent per annum from the date of retirement till the date of disbursement of the said payment.



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2. Heard the learned counsels appearing on either side.

3. The gist of the case is as follows:

3.1. The petitioner worked as a Secretary-in-charge in the fourth respondent society and permitted to retire on attaining superannuation on 31.05.2019 as per the proceedings of the fourth respondent dated 31.05.2019, however his retirement benefits were withheld. After two years, surcharge order was passed by the third respondent as against the petitioner on the ground of non recovery of loan dues from the members of the society which incurred huge loss to the society. As against the same, the petitioner filed an appeal before the Co-operative Tribunal/Principal District Judge, Cuddalore in CMA.No.5 of 2021, which was allowed in part and aggrieved by the said order, he preferred a revision before this Court in CRP.No.1949 of 2023, in which the Court had granted an order of stay and in the meanwhile, the respondent has also filed CRP.No.3340 of 2023 and the same were pending before this Court. The petitioner made a representation to the respondents 1 and 2 but there was inaction on their part and hence filed a petition in W.P.No.34765 of 2023, in which the Court had directed the respondents 1 to 3 therein to dispose of the petitioner's representation dated 02.11.2023 within 8 weeks. Thereafter, the order impugned herein was passed by the second respondent adjusting the petitioner's retirement benefits to the surcharge order and directed him to pay a



sum of Rs.2,78,606/- to the society. Aggrieved by the said order, the present Writ Petition has been filed.

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4. The learned counsel for the petitioner submitted that the impugned order was passed by the second respondent without adhering to the TNCS Act and various rules of this Court. He further submitted that neither an enquiry nor issuance of any notice, the second respondent has passed the impugned order, which is unsustainable in the eye of law. Hence, he prayed this Court to pass appropriate orders in the present Writ Petition.

5. Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsel for the petitioner, the Writ Petition is disposed of with a direction to the respondents to settle the retirement benefits with statutory benefits, if the petitioner succeeds in the Civil Revision Petition. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

09-02-2026

Index: Yes/No

Neutral Citation: Yes/No

DP



To

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