



WEB COPY

WP No. 19725 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 19725 of 2022
and W.M.P.No.19040 of 2022**

P.Padmanaban

..Petitioner(s)

Vs

1. The Registrar of Co-Operative Society(Housing)
No.48, Ritherdon Road, Vepary,
Chennai 600 007.
2. The Managing Director
Tamil Nadu Co-operative Federation, Veppari,
Chennai-6.
3. The Deputy Registrar of Co-operative Society(Housing)
Cuddalore.
4. II 631, Thirukovilur Co-operative Housing Society Ltd, Rep by its President,
Thirukovilur-605 757.

..Respondent(s)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the petitioner's retirement benefits i.e., Payment of gratuity, Provident fund, Earned Leave Salary, Security deposit and other monetary benefits of Rs.18,30,600/- with interest of 12 percent p.a. from the date of retirement till payment to the petitioner in the light of the decision of this Court reported in 2015 (6) MLJ 684.



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For Petitioner(s):

Mr.M.S.Palaniswamy

For Respondent(s):

Mr.C.P.Senniyangiri for RR1, 3 and 4
Mr.Kanmani Annamalai,
Standing Counsel for R2

ORDER

This Writ Petition has been filed seeking a direction to the respondents to pay the petitioner retirement benefits, viz., gratuity, provident fund, earned leave salary, security deposit and all other benefits to the tune of Rs.18,30,000/- together with interest at 12% per annum from the date of retirement till the date of payment.

2. The learned counsel for the petitioner would submit that the issue involved in the present case is covered by the decision of this Court reported in (2015) 6 MLJ 684 (A.Sengodan Vs. The Registrar of Co-operative Societies, Chennai, wherein it has been held that, in the absence of any statutory provision enabling the authorities for withholding provident fund, gratuity and other retirement benefits, it is not within the jurisdiction of the respondent authorities to withhold the same. He would further submit that the petitioner was appointed as a Junior Clerk in the fourth respondent Society on 23.05.1990 and continued in service till 11.01.2019. He would further submit that the petitioner had tendered his resignation on 07.01.2019 before the fourth respondent and upon consideration of the same, the fourth respondent permitted him to be relieved



from service by order dated 11.01.2019. He would also submit that no disciplinary or surcharge proceedings are pending. Despite the petitioner having retired in the year 2019, he has not been paid with the gratuity, provident fund, earned leave salary, security deposit and all other benefits.

3. The learned counsel for the respondents 1, 3 and 4 would submit that whatever amounts the petitioner is lawfully entitled to shall be disbursed within a period of four weeks from the date of receipt of a copy of this order together with statutory interest.

4. In view of the above, this Court directs the respondents to disburse all the eligible retirement benefits including gratuity, provident fund, earned leave salary, security deposit and other attendant benefits to the petitioner, along with statutory interest, within a period of four weeks from the date of receipt of a copy of this order. While disbursing the amount, the respondents shall keep in view that *vide* proceedings dated 24.01.2022, there was an acknowledgment that there is a sum of Rs.18,30,600/- is already due. If for any reason, the petitioner is found entitled to any amount lesser than what has been claimed, an opportunity shall be afforded to the petitioner and a reasoned order shall be passed with regard to such differential amount.



5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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MOHAMMED SHAFFIQ, J.

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