



WEB COPY



W.P.No.36162 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.36162 of 2025

And

W.M.P.Nos.40410 and 40411 of 2025

M.Kanniyappan

... Petitioner

Vs.

1 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES /
COMMON CADRE AUTHORITY,
KRISHNAGIRI REGION,
KRISHNAGIRI DISTRICT.

2 THE ADMINISTRATOR
S.1063 PULLIYAMPATTI PRIMARY AGRICULTURAL
COOPERATIVE CREDIT SOCIETY LTD.
SAMANDAPATTY
VADAMANGALAM POST
PANANTHUR (VIA)
POCHAMPALLI (TK)
KRISHNAGIRI DISTRICT.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by first respondent Na.Ka.2019/2023/ Po.Pa. Ne.Tee dated 31.05.2023 and quash the same and consequently direct the respondents to pay petitioner retirement benefits namely Employees Provident Fund of Rs.7,76,582/- Gratuity of Rs.4,15,901/-



W.P.No.36162 of 2025

and Leave Encashment of Rs.1,82,624/- with interest 12% Rs.3,65,494/- and a total amount of Rs.17,40,601/- with 12% statutory interest from the date of retirement of petitioner i.e., 31.05.2023 till the payment is made within stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.L.P.Shanmugasundaram
For Respondents : Ms.Geetha Thamaraiselvan
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the order passed by first respondent Na.Ka.2019/2023/ Po.Pa. Ne.Tee dated 31.05.2023 and quash the same and consequently direct the respondents to pay petitioner's retirement benefits with 12% statutory interest from the date of retirement of petitioner i.e., 31.05.2023 till the date of payment.

2.The learned counsel appearing for the petitioner submitted that the petitioner joined as Salesman in the second respondent Society on 18.09.1990 and was promoted as Junior Clerk on 01.10.2012 and was further promoted as Clerk on 01.07.2019 and was



W.P.No.36162 of 2025

WEB COPY

further promoted as Secretary on 31.03.2023 and was transferred to K.K.158-Metuthangal Primary Agriculture Cooperative Societies and joined duty in the transferred place on 01.04.2023 and retired from service on attaining the age of superannuation on 31.05.2023, however, his retirement benefits were withheld. The learned counsel further submitted that on the date of retirement, no surcharge proceedings or disciplinary proceedings was pending against the petitioner, however, the first respondent passed the impugned order withholding the petitioner's retirement benefits, which is not sustainable one.

3.The learned Special Government Pleader submitted that the petitioner/ Chief Executive Officer failed to discharge his duties effectively in the second respondent society resulting in poor loan recovery and financial strain on the society. According to the report of the Field Officer, Kaveripattinam Block dated 29.05.2023, no loans other than crop loans were disbursed to the members of the second respondent society during the petitioner's tenure, thereby adversely affecting the growth and sustainability of the society. According to Section 80 of the Tamil Nadu Cooperative Societies Act, 1983, a



W.P.No.36162 of 2025

financial audit of every registered cooperative society is mandatory and without obtaining audit report, it is not possible to ascertain whether any financial irregularities or misappropriation have been committed by the petitioner and further submitted that the petitioner's retirement benefits have been withheld due to pending audit, which alone can confirm whether any recoverable amount is due from the petitioner.

4. Heard the arguments advanced on either side and perused the materials available on record.

5. The petitioner retired from service on attaining the age of superannuation on 31.05.2023, however, his retirement benefits were withheld. The ground on which the retirement benefits were withheld is not reflected in the impugned order. The counter affidavit filed by the first respondent reveal that the petitioner/ Chief Executive Officer failed to discharge his duties effectively in the second respondent society resulting in poor loan recovery and financial strain on the society. According to the report of the Field Officer, Kaveripattinam Block dated 29.05.2023, no loans other than crop loans were disbursed to the members of the second respondent society during the



W.P.No.36162 of 2025

WEB COPY

petitioner's tenure, thereby adversely affecting the growth and sustainability of the society. Such statement made in the counter affidavit is not sustainable one. The counter affidavit did not reveal any surcharge proceedings or disciplinary proceedings pending against the petitioner. In the absence of any such proceedings, withholding the retirement benefits of the petitioner is not sustainable one.

6.In view of the above, this Court directs the respondents to settle the retirement benefits of the petitioner, within a period of eight weeks from the date of receipt of a copy of this order, failing which, the respondents shall pay interest at the rate of 9% p.a., from the date of petitioner's retirement till the date of actual payment.

7.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

08.01.2026

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

5/6



WEB COPY



W.P.No.36162 of 2025

M.DHANDAPANI,J.
pri

To

- 1 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES /
COMMON CADRE AUTHORITY,
KRISHNAGIRI REGION,
KRISHNAGIRI DISTRICT.
- 2 THE ADMINISTRATOR
S.1063 PULLIYAMPATTI PRIMARY AGRICULTURAL
COOPERATIVE CREDIT SOCIETY LTD.
SAMANDAPATTY
VADAMANGALAM POST
PANANTHUR (VIA)
POCHAMPALLI (TK)
KRISHNAGIRI DISTRICT.

W.P.No.36162 of 2025
And
W.M.P.Nos.40410 and 40411 of 2025

08.01.2026