



WEB COPY

WP No. 43966 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 43966 of 2025
and WMP NO. 49077 and 49078 OF 2025**

Y. Elangovan

Petitioner(s)

Vs

1. The Joint Registrar of Cooperative Societies
Tiruvallur Region, Tiruvallur.

2.The Administrator
GT 95, Palavakkam Primary Agricultural,
Cooperative Credit Society, Palavakkam,
Thiruvallur District.

Respondent(s)

PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd Respondent in his proceedings No.Nil dated 06.09.2025 and quash the same and consequently directing the 2nd respondent to disburse the petitioners retirement benefits like Gratuity, Provident fund, Earned and Unearned Leave to the petitioner.

For Petitioner(s): M/s. C. Prakasam

For Respondent(s): Mr.Muthusamy, GA RR1 & 2

ORDER

This petition has been filed seeking to quash the impugned order passed by the 2nd Respondent in his proceedings No.Nil dated 06.09.2025 and consequently, directing the 2nd respondent to disburse the petitioners retirement



benefits like Gratuity, Provident fund, Earned and Unearned Leave to the petitioner.

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2. It is the case of the petitioner that the petitioner was employed as a Salesman in the second respondent Cooperative Society for the past 36 years and was relieved from service on 31.01.2025 upon attaining the age of superannuation. However, on the very date of his retirement, the second respondent arbitrarily demanded a sum of Rs.9,80,922/- alleging shortage of 03.06.2019 and 31.01.2025 without conducting any enquiry under Section 81 or passing a surcharge order under Section 87 of the Tamil Nadu Cooperative Societies Act. The petitioner submits that no disciplinary or surcharge proceedings were ever initiated during his service period and the impugned demand notice dated 06.09.2025 was issued solely to deny his legitimate retirement benefits. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that despite several representations, including one dated 25.08.2025, the respondents have not disbursed his gratuity, Provident Fund and earned and unearned leave encashment causing severe financial hardship. The petitioner contends that it is a settled law that even if any criminal or departmental proceedings are pending, retirement benefits cannot be withheld without due process of law. The



impugned order is thus illegal, arbitrarily and violating of the principles of natural justice.

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4. The learned counsel for the petitioner submitted that the petitioner was working as a salesman in the second respondent society for the past 36 years, on the date of attaining of superannuation i.e. on 31.01.2025 the second respondent relieved the petitioner from service but no retirement benefits were disbursed till date. Till the date of retirement, the second respondent kept quiet and he himself made demand to pay a sum of Rs.9,80,922/- for the alleged shortage in the Fair Price shop from the year 2019. But no enquiry ordered under Section 81 of Tamil Nadu Cooperative Societies Act, or passing surcharge order under Section 87 by the Deputy Registrar of Cooperative Societies without such legal proceedings the second respondent passed the said order dated 06.09.2025 which is illegal and arbitrary.

5. The learned Government Advocate appearing for the respondents submitted that the petitioner is a Salesman and he was working in various societies in Tiruvallur Block and he sustained loss of Rs.9,80,922/- for the alleged shortage of essential articles and empty gunny bags from 03.06.2019 to 31.01.2025. Hence, the retirement benefits have not been disbursed to the petitioner and the respondent has rightly passed the impugned order, which needs no interference by this Court.



6. Heard the learned counsel for both side and perused the materials available on record.

7. Admittedly, the petitioner has retired from service on 31.01.2025. After retirement, the respondents dated nil passed an impugned order stating that due to the misappropriation made by the petitioner, there is a shortage of Rs.9,80,922/- However, the respondents have not taken any action or conducted any enquiry while he was in service. After retirement, the amount demanded by the respondents from the petitioner without even initiating any disciplinary proceedings, is not sustainable. Hence, in the absence issuing any show cause notice or conducting enquiry, the respondents passed the impugned order, which is not acceptable and the same is liable to be set aside. Accordingly, the impugned order passed by the second respondent is hereby set aside.

8. With the above observation and directions, the writ petition is allowed. There shall be a direction to the first respondent to settle the terminal benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No costs.

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11-02-2026



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

To

1. The Joint Registrar Of Cooperative
Societies
Tiruvallur Region, Tiruvallur.

2. The Administrator
Gt95, Palavakkam Primary
Agricultural, Cooperative Credit
Society, Palavakkam, Thiruvallur
District.



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