



WEB COPY

WP No. 44 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 44 of 2026

M.Malliga
Wife of Late.S.Krishnan,
No.30/27 Vinagayagar Koil Street,
Udumalpet 642126,
Tiruppur District.

..Petitioner(s)

Vs

1. The Registrar
Cooperative Housing Societies,
48 Ritherdon Road,
Tamilnadu Cooperative Housing Federation Ltd,
First Floor, Vepery, Chennai 600 007.
2. The Deputy Registrar
Cooperative Housing Societies,
1426, Coimbatore Cooperative Societies
Construction Society Ltd.,
First Floor,
15/10 Rathinasabapathy Mudaliar Street,
Coimbatore 641038.
3. The Administrator
Udumalpet Cooperative Housing
Construction Society Ltd.,
No.K-1655, B1, Vidyasagar Street,
Gandhi Nagar,
Palani Road, Udumalpet,
Tiruppur District 642154.



..Respondent(s)

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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the entire retirement benefits to the petitioner a sum of Rs.22,84,199/- due under heads of Provident Fund, Gratuity, Leave Surrender Salary and caution deposit including increment due to 2023-2024 and Dearness Allowance with 12% interest to the petitioner.

For Petitioner(s): M/s.K.C.Muthulakshmi

For Respondent(s): Ms.E.Ranganayagai
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to pay the entire retirement benefits to the petitioner a sum of Rs.22,84,199/- due under heads of Provident Fund, Gratuity, Leave Surrender Salary and caution deposit including increment due to 2023-2024 and Dearness Allowance with interest at the rate of 12% per annum.

2.The case of the petitioner is that she joined the 2nd respondent Society as a Bill Clerk on 28.02.1998. Her services were subsequently regularised and she



was promoted from time to time, ultimately as Secretary. She retired on 31.05.2024, on attaining the age of superannuation, after rendering unblemished service. Her pay was revised based on the Government Orders and the recommendation of the Streamlining Committee, pursuant to the proceedings of the Registrar of Co-operative Societies in Na.Ka.No.4304/2003 SF2 dated 15.06.2009, fixing the cadre strength. The said revision was approved by the resolution of the Board dated 14.10.2017 of the 3rd respondent society, and the revised pay was paid and continued. The said Government Order and circular were extended to all societies, and employees were paid as per the approved cadre strength.

2.01. An audit report for the year 2018-2019 raised an objection alleging excess payment of salary to the petitioner. However, the objection was not valid, as the pay fixation was strictly in accordance with the Government Orders and the recommendations of the Streamlining Committee, as approved by the Registrar of Co-operative Societies in proceedings dated 15.06.2009. Without proper ratification from the 2nd respondent society and solely based on the audit objection, a recovery order dated 03.02.2020 was issued, directing recovery of the alleged excess amount in instalments from the petitioner's monthly salary. The said recovery order was challenged by the petitioner in W.P No.4864 of 2020, and this Hon'ble Court was pleased to grant an interim order, pursuant to



which no recovery was made from the petitioner's salary. The petitioner retired from service on 31.05.2024. Thereafter, the 2nd respondent issued proceedings dated 29.05.2024, stating that the petitioner's retirement benefits would be subject to the outcome of W.P No.4864 of 2020, which is still pending. The respondents took disciplinary action against the fixation of salary for which the petitioner is no way responsible. However, the disciplinary action was closed by the respondent. This Court, by an order dated 17.12.2024 setting aside the order of recovery dated 03.02.2020 and directed to apply the circular dated 15.06.2009 and further directed to confirm the revised pay fixed based on Government order in force. Pursuant to which, the petitioner made representations on 03.05.2025, 04.07.2025 and 09.10.2025, requesting to pay her retirement benefits amounting to Rs.22,84,199/-, since no disciplinary or surcharge pending against the petitioner on the date of retirement. However, the same has not been considered till date. Hence, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that it would suffice, if a direction is issued to the 2nd respondent to consider the petitioner's representation within a reasonable time.



4. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 09.10.2025 on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order,

5. With the above directions, this writ petition is disposed of. No costs.

07-01-2026

Index: Yes/No

(2/2)

Speaking/Non-speaking order

Neutral Citation: Yes/No

UMA



To

1. The Registrar

Cooperative Housing Societies,
48 Ritherdon Road,
Tamilnadu Cooperative Housing Federation Ltd,
First Floor, Vepery, Chennai 600007.

2. The Deputy Registrar

Cooperative Housing Societies,
1426, Coimbatore Cooperative Societies
Construction Society Ltd.,
First Floor,
15/10 Rathinasabapathy Mudaliar Street,
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3. The Administrator

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M.DHANDAPANI, J.

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