



W.A(MD)No.839 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.839 of 2026
and
C.M.P(MD)No.7166 of 2026**

The Administrator, O.1761, Thenpothai Primary Agricultural
Co-Operative Credit Society,
Thenpothai,
Tenkasi District.

... Appellant

vs.

1.K. Arunachalam

2.The Joint Registrar of Co-Operative Societies
cum Common Cadre Authority,
O/o. Joint Registrar of Co-Operative Societies,
Tenkasi Region,
Tenkasi.

3.The Deputy Registrar of Co-Operative Societies,
O/o. Deputy Registrar of Co-Operative Societies,
Tenkasi Circle,
Tenkasi.

... Respondents



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PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 04.11.2025 made in W.P(MD)No.29587 of 2025 on the file of this Court.

For Appellant : Mr.S.Kumar

For Respondents : Mr.D.Shanmugaraja Sethupathi (R1)

: Mr.M.S.Parthiban (R2 & R3)
Counsel for State

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.]

Challenging the order dated 04.11.2025 passed in W.P(MD)No. 29587 of 2025, the present Writ Appeal has been preferred by the third respondent as appellant.

2.The writ petition was filed by the first respondent challenging the order dated 30.05.2025 passed by the second respondent and for a



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consequential direction to the respondents therein to disburse the terminal benefits such as Gratuity, Employees' Provident Fund, Earned Leave encashment and other monetary benefits payable to the writ petitioner, who had attained superannuation on 31.05.2025.

3.The respondents therein resisted the claim on the ground that proceedings under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 were pending against the writ petitioner and, therefore, the terminal benefits were withheld.

4.The writ Court disposed of the Writ Petition with a direction to the respondents to disburse the terminal benefits to the writ petitioner. Challenging the same, the Administrator, as appellant, has preferred the present Writ Appeal.

5.It is seen that a Division Bench of this Court in W.A.(MD) No. 818 of 2024 dated 04.06.2024 has already held that once an employee attains the age of superannuation, the terminal benefits such as Provident Fund and



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Gratuity under Sections 78 and 79 of the Tamil Nadu Co-operative Societies Act, 1983 cannot be withheld merely on the ground of pendency of proceedings under Section 81 of the Act. It has further been held that while such enquiry may culminate in surcharge proceedings under Section 87 of the said Act, any recovery, if ordered under Section 87(2), shall be enforced only in accordance with the provisions of the Tamil Nadu Revenue Recovery Act, 1864.

6.In view of the above settled legal position, we find no infirmity in the order of the writ Court directing disbursement of statutory terminal benefits. However, it is made clear that in respect of any other monetary or terminal benefits not covered under Sections 78 and 79 of the Tamil Nadu Co-operative Societies Act, 1983, it is open to the Society to proceed in accordance with law, including by initiating appropriate proceedings, if so advised.



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7. Accordingly, the Writ Appeal stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
17.06.2026

NCC : Yes / No
Index : Yes / No
ps

To

1. The Joint Registrar of Co-Operative Societies
cum Common Cadre Authority,
O/o. Joint Registrar of Co-Operative Societies,
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Tenkasi.

2. The Deputy Registrar of Co-Operative Societies,
O/o. Deputy Registrar of Co-Operative Societies,
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