



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 29-04-2026**

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**THE HON'BLE MS. JUSTICE P.T. ASHA**

**WP No. 16899 of 2026**

**AND**

**WMP NO. 18178 OF 2026, WMP NO. 18180 OF 2026**

B.Sridharan

..Petitioner(s)

Vs

1. The Chairman  
Common cadre authority/Joint Registrar of  
Cooperative Societies, kallakurichi region,  
kallakurichi, kallakurichi District.
2. The Deputy Registrar of Cooperative Societies  
Tirukoilur circle, Tirukoilur - 605766,  
kallakurichi District.
3. The Administrator  
I.I.668, Kiliyur Primary Agricultural Cooperative  
credit society, kiliyur village and post - 606102,  
Ulundurpet Taluk, Kallakurichi District.

..Respondent(s)

Prayer: -Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 3rd respondent in her proceedings No. Nil dated 13.11.2025 and quash the same and consequently directing the respondents to disburse the petitioners retirement benefits like



gratuity, general provident fund, special provident fund, encashment of earned leave and encashment of Un-earned Leave on private affairs to the petitioner.

**WEB COPY** For Petitioner(s): MR.C.Prakasam

For Respondent(s): Mr.Abhishek Murthy, GA, for R.1 and R.2

Mr.A.M.Ayyadurai, GA for R.3

### **ORDER**

This Writ Petition has been filed for the following reliefs:-

*“calling for the entire records relating to the impugned order passed by the 3<sup>rd</sup> respondent in her proceedings No. Nil, dated 13.11.2025 and quash the same and consequently directing the respondents to disburse the petitioner’s retirement benefits like Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs to the petitioner.”*

2. The petitioner was initially appointed as a Salesman in the 3rd respondent Society on 01.11.1987. He was subsequently promoted as Clerk on 16.12.1992 and thereafter as Secretary on 15.03.1995. While the petitioner was serving as Secretary in the 3rd respondent Society, an Audit Report for the year 2017–2018 was submitted before the 2nd respondent. Upon perusal of the said Audit Report dated 27.06.2018, the 2nd respondent, by proceedings dated

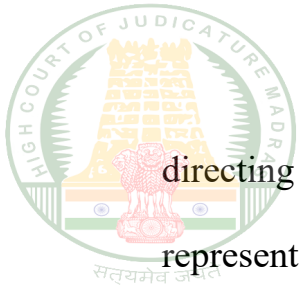


29.06.2018, relieved the petitioner from service but did not permit him to retire.

In the said proceedings, it was further stated that the petitioner would be permitted to retire from service after obtaining clearance of the said Audit Report.

3. On 05.10.2020, on the basis of the Audit Report dated 27.06.2018, an Enquiry Officer was appointed. The Enquiry Officer submitted his report on 19.05.2021. In the said report, the Enquiry Officer did not make any recommendation for initiating surcharge or criminal proceedings against the petitioner. Insofar as the disciplinary proceedings are concerned, the Enquiry Officer recommended that the same be dropped, as the petitioner had already retired from service in the year 2018. Thus, no disciplinary, criminal, or surcharge proceedings were pending against the petitioner. In spite of the same, the respondents have not come forward to disburse the petitioner's retirement benefits.

4. On 02.05.2022 , the petitioner had given a representation to the respondents requesting disbursement of his retirement benefits, however, the same was not considered. Aggrieved thereby, the petitioner filed W.P. No. 27892 of 2022 before this Court, which was disposed of on 19.10.2022,



directing the respondents to consider and dispose of the petitioner's representation dated 02.05.2022.

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5. Even after obtaining orders from this Court and producing the same before the 3rd respondent, no action was taken. Hence, the petitioner filed Contempt Petition No. 954 of 2023, which was closed by this Court on 16.08.2023, recording that the orders of this Court had been complied with, as the respondent had passed an order dated 11.08.2023 on the petitioner's representation dated 02.05.2022, with liberty to the petitioner to challenge the said order, if aggrieved.

6. Thereafter, challenging the order passed by the 3rd respondent dated 11.08.2023, the petitioner filed W.P. No. 22340 of 2025. The said writ petition was allowed on 03.07.2025, quashing the order dated 11.08.2023 and directing the respondents to settle the petitioner's eligible terminal benefits along with applicable statutory interest within a period of three months. Pursuant thereto, the 3rd respondent passed an order dated 13.11.2025, refusing to disburse the petitioner's retirement benefits on the ground that the petitioner is not entitled to gratuity under Section 4(6) of the Payment of Gratuity Act and that a surcharge



order under Section 87 has been passed against him. Challenging the same, the petitioner is before this Court.

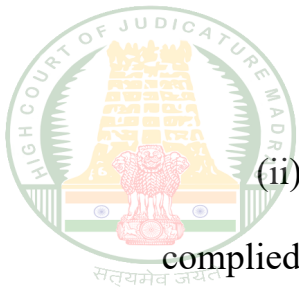
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7. Heard the learned counsel on either side and perused the records.

8. A mere reading of the impugned order would clearly show the apathy to orders of this Court and also displays total non-application of mind on the part of the 3rd respondent. The 3rd respondent appears to have sat in review of the order passed by this Court in W.P. No. 22340 of 2024 and has assumed that the order have him the authority to once again consider the representation of the petitioner, whereas, by order dated 03.07.2025 in W.P. No. 22340 of 2024, this Court had passed a positive order directing the 3rd respondent to settle the terminal benefits along with statutory interest within a period of three months. The said period of three months has long since expired.

9. In view of the above, the Writ Petition is disposed of with the following directions:-

(i) Impugned order passed by the 3<sup>rd</sup> respondent dated 13.11.2025 is set aside.



(ii) The orders of this Court passed in W.P. No. 22340 of 2024 shall be complied with on or before 08.06.2026, and compliance shall be reported on 09.06.2026, failing which the 3rd respondent shall be present before this Court.

10. Post the matter on 09.06.2026 for reporting compliance. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

**29-04-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR

To

1. The Chairman  
Common cadre authority/Joint Registrar of  
Cooperative Societies, kallakurichi region,  
kallakurichi, kallakurichi District.
2. The Deputy Registrar of Cooperative Societies  
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WP No. 16899 of 2



**P.T.ASHA J.**

**SHR**

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Page 7 of 7