

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.17758 of 2014

1 R.Sampathkumar .. Petitioner

Vs

- 1 The Managing Director
Tamil Nadu Co-operative Milk Producers
Federation Ltd
Aavin Illam, Madhavaram Milk Colony
Chennai-51.
- 2 The General Manager
Erode District Co-operative Milk Producers
Union Ltd
Vasavi College Post
Erode-638 316

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus to direct the respondents to furnish Retirement cum Death Benefits with all attendant benefits within a stipulated period as fixed by this Honourable Court.

For Petitioner : Mr.R.Ezhilarasan
For Respondents : Mr.K.N.Pandian

O R D E R

The petitioner was initially appointed as Extension Assistant Grade-I and finally he was promoted to the post of Assistant General Manager. The petitioner on attaining the age of superannuation retired on 31.08.2007. However, he was not paid the retirement and other statutory benefits, resulting in filing the Writ Petition.

2. The first respondent in his counter affidavit contended that audit wing has raised certain objections with regard to service in Salem and Erode District Cooperative Milk Producers' Union. According to the first respondent, the petitioner is liable to pay a sum of Rs.28,500/- out of the total sum of Rs.1,09,920.65. Since the said

amount was not settled, retirement benefits were not given.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

4. There is no dispute that the petitioner was permitted to retire from service on 31.08.2007. There were no proceedings pending against the petitioner as on the date on which he retired from service. The respondents are not in a position to produce the bye-laws, which authorizes them to initiate proceedings against employees after retirement. Since the respondents have permitted the petitioner to retire from service, necessarily he should be given retirement and all other statutory benefits.

5. The first respondent is directed to consider and dispose of the representation submitted by the petitioner dated 21.03.2014 on merits and as per law and in the light of the order permitting him to retire from service. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr
To

1 The Managing Director
Tamil Nadu Co-operative Milk Producers
Federation Ltd
Aavin Illam, Madhavaram Milk Colony
Chennai-51.

2 The General Manager
Erode District Co-operative Milk Producers
Union Ltd
Vasavi College Post
Erode-638 316.

1 cc to Mr.R.Ezhilarasan ,Advocate, SR.No.12440
2 cc to Mr.K.N.Pandian ,Advocate, SR.No.12243

W.P.No.17758 of 2014

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