

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28504 of 2015

K.M.Chinnasamy

...Petitioner

- Vs -

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.42, Thambu Samy Street,
Kilpauk, Chennai - 10.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
H 38 A/10, Manickampalayam Housing Unit,
Erode - 638 011.
3. The Deputy Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
H 38 A/10, Manickampalayam Housing Unit,
Erode - 638 011.

...Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to pass reasonable orders on the representation of the petitioner dated 28.04.2014 and reminder of the petitioner dated 12.08.2015 by directing the respondents to grant the petitioner leave encashment benefits amounting to a sum of Rs.3,50,000/- (appr) along with interest at a rate of 18% per annum w.e.f. 30.11.2009 to till the date of payment and payment of interest at the rate of 18% per annum for the delayed payment of gratuity w.e.f. 30.11.2009 to till the date of payment.

For Petitioner : M/s. K.Nithyashree for
M/s. Giridhar & Sai

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co.op)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner joined the service as Mill Technical Assistant during the year 1975 and was promoted as Quality Inspector during the year 1989 and was further promoted as Assistant Manager during the year 2006. According to him, he has put in 30 years of unblemished service and was permitted to retired from service with effect from 30.11.2009. The petitioner would further claim that at the time of his superannuation, neither disciplinary proceedings nor criminal proceedings were pending against him and he was permitted to retire without prejudice to a pending writ petition in W.P.No.12021 of 2001. The petitioner was issued with an internal communication dated 26.11.2009 informing him that the following sum were sought to be recovered from his leave encashment benefits:

- a) Storage loss - Rs.13,539/-
- b) Audit objections - Rs.10,189/-
- c) Unauthorised bonus - Rs.8,250/-

The grievance expressed by the petitioner is that even after his retirement on superannuation, gratuity and leave encashment benefits were denied to him and in this regard, he sent several representations and the last of such representation was submitted on 28.04.2015, followed by reminder dated 12.08.2015 to the first respondent and since no order has been passed, he came forward to file this writ petition.

3. The Court heard the submissions of the learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

4. Though the petitioner prays for a larger relief, this Court in the light of the fact and circumstances of the case, without going into the merit of the claim projected by the petitioner either in his representation or in this writ petition, directs the first respondent to consider the representation of the petitioner dated 28.04.2015, on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and

communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

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Erode - 638 011.
- 1 CC to Mr.L.P.Shanmugasundaram, Advocate SR.No. 49653

W.P.No.28504 of 2015

RSI (CO)
PSI (01.10.2015)

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