

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32538 of 2016

K.Kannivel

... Petitioner

vs.

The President/Managing Director,
The Kancheepuram Vallalar Silk
Handloom Weaver Co-operative Producers
and Sale Society Limited, K.H.54,
Door No.30/20, 1st Main Road,
M.M.Avenue, Kancheepuram,
Kancheepuram District.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of direction, directing the respondent to settle the petitioner's gratuity with interest at the rate of 12% per annum and Employees Provident Fund amount by releasing the Cash Certificate amounts without reinvesting the same to the petitioner with cost.

For Petitioner :Mr.B.Hari Babu
For Respondents :Mr.R.Rajendran,
Special Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for Mandamus, directing the respondent to settle the petitioner's gratuity with interest at the rate of 12% per annum and Employees Provident Fund amount by releasing the Cash Certificate amounts without reinvesting the same, to the petitioner with cost.

3. The case of the petitioner is that the petitioner joined as Designer in the respondent society on 25.06.1979, subsequently promoted as Clerk in the year 1994 and thereafter as Loom Supervisor and rendered 36 years of service. While so, during the year 2001, he was placed under suspension. Challenging the same, the petitioner filed W.P.No.23308 of 2007

before this Court and as per the direction of this Court, he was reinstated in service in the year 2008. Thereafter, without any break, he retired from service on 31.08.2015.

4. The further case of the petitioner is that while he was in service, the amounts deducted from his salary towards Employees Provident Fund to the tune of Rs.2,21,318/- is kept as a Cash Certificate in Joint Account in Kancheepuram Central Co-operative Bank Limited, Head Office, Kancheepuram which matured on 26.07.2016 and 17.09.2016 respectively. Further, the respondent failed to settle his gratuity and arrears of salary. In this regard, the petitioner sent a legal notice dated 29.06.2016. But till date the respondent has not considered the request of the petitioner. Hence the present Writ Petition.

5. Heard the learned Counsel for the petitioner and the learned Special Government Pleader who takes notice for the respondent.

6. Considering the facts and circumstance of the case, this Court directs the petitioner to give a fresh representation along with a copy of this Order to the respondent within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion regarding the merits of the claim of the petitioner. It is for the respondent to decide the matter on merits.

7. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

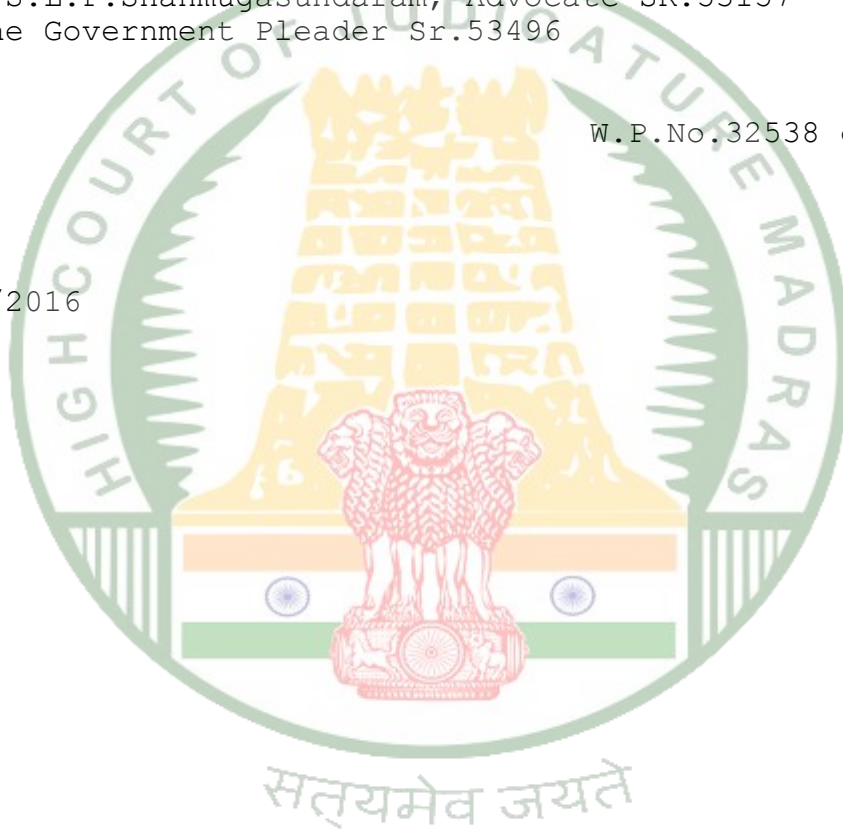
To

The President/Managing Director,
The Kancheepuram Vallalar Silk
Handloom Weaver Co-operative Producers
and Sale Society Limited, K.H.54,
Door No.30/20, 1st Main Road,
M.M.Avenue, Kancheepuram,
Kancheepuram District.

+lcc to M/S.B.hariBabu, Advocate Sr.52788
+lcc to M/S.L.P.Shanmugasundaram, Advocate SR.53157
+lcc to the Government Pleader Sr.53496

W.P.No.32538 of 2016

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srg 01/11/2016



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