

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30318 of 2017

A.Alagarsamy

.. Petitioner

-vs-

1. The Government of Tamilnadu
Rep by its Principal Secretary to Government,
Department of Agriculture,
Fort St.George, Chennai - 600 009
2. Registrar of Agro Engineering Service,
Director of Agriculture,
O/o Director of Agriculture,
Chepauk, Chennai - 5 .. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the entire balance service / terminal benefits as demanded by the petitioner in his representation dated 17.08.2017 and pay a sum of Rs.43,67,798/- along with interest and compensation with calculation details or in alternative to direct the respondents to dispose of the petitioner's representation dated 17.08.2017.

For Petitioner :: Mr.U.Karunakaran

For Respondents:: Mr.R.A.S.Senthilvel,
Additional Government Pleader

O R D E R

With consent, the main writ petition itself is taken up for disposal at the admission stage.

2. This writ petition has been filed by the petitioner seeking a Writ of Mandamus directing the respondents to pay the entire balance service / terminal benefits as demanded by the petitioner in his representation dated 17.08.2017 and pay a sum of Rs.43,67,798/- along with interest and compensation with calculation details or in alternative to direct the respondents to dispose of the petitioner's representation dated 17.08.2017.

3. Learned counsel for the petitioner submitted that the petitioner was appointed as Last Grade Servant in ENCOFED on 27.10.1986 and finally promoted as Record Clerk on 26.08.1993 by the Managing Director, AGROFED, Chennai, vide Proceedings No.A6/9846/91, dated 26.08.1993. Subsequently, in the year 2002, the Department of Agriculture took a decision to close down the AGROFED Organisation. Accordingly, G.O.Ms.No.385 dated 27.11.2002 was issued to close down the AGROFED Organisation. Thereafter, Special Officer of AGROFED Chennai has issued a circular bearing R.C.No.4174/Adm.1/2004 to submit report regarding service benefits for the employees. Moreover, retrenchment notice bearing No.RC.No.4641/Adm./302 was issued by the Special Officer, AGROFED, Chennai - 97 and declared that the retrenched employees will be paid compensation, as per provisions of Industrial Disputes Act, 1947. Further, the said notice dated 31.08.2004 was withdrawn by the Special Officer, due to administrative reasons. In spite of withdrawal of the said notice, the petitioner was retrenched from service on 30.11.2004, but the retrenchment of compensation and other benefits have not been full paid. Hence the petitioner has submitted several representations and last representation was given on 17.08.2017 for payment of terminal benefits, however, the same has not been considered, hence this Writ Petition.

4. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, takes notice for the respondents and seeks four weeks time to consider the representation submitted by the petitioner.

5. Considering the limited relief sought for in this petition and without going into the merits of the matter, this Court hereby directs the respondents to consider the representation dated 17.08.2017 made by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

SSV

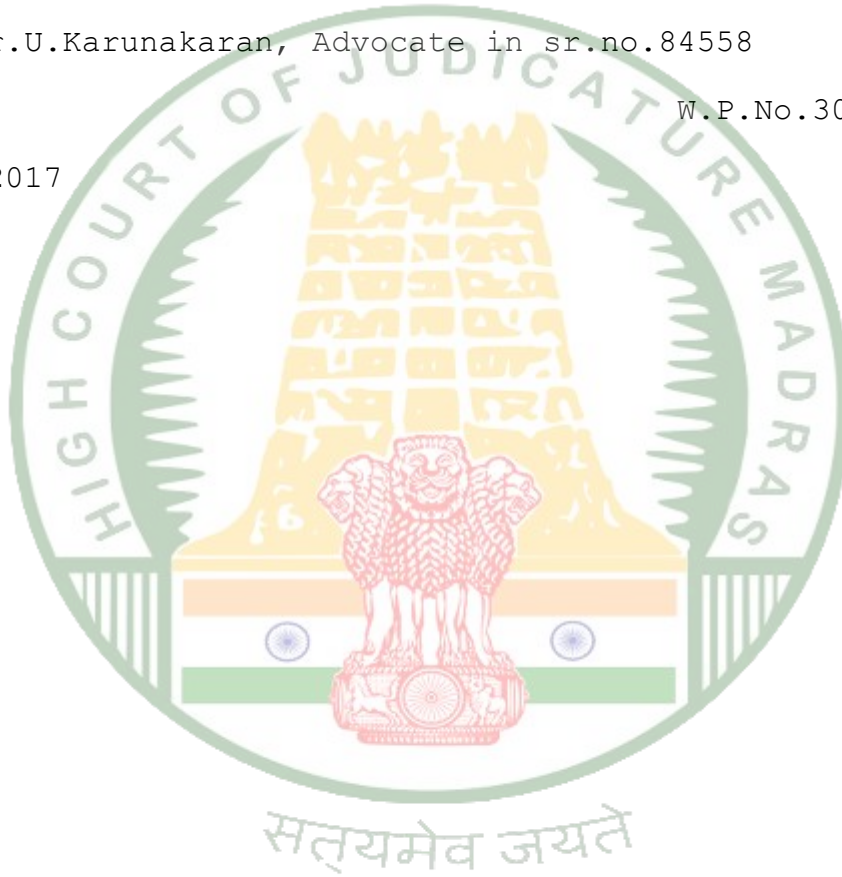
To

1. The Government of Tamilnadu
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2. Registrar of Agro Engineering Service,
Director of Agriculture,
O/o Director of Agriculture,
Chepauk, Chennai - 5

+lcc to Mr.U.Karunakaran, Advocate in sr.no.84558

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NR 18/12/2017



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