

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Thirteenth day of March Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

WMP Nos.1040 & 1041 of 2017

IN WP Nos.10701 & 10702 /2014

PHILIP FRANCIS,

[PETITIONER IN WMP No.1040/17
IN WP No.10701/14]

D.RAJKUMAR

[PETITIONER IN WMP No.1041/17
IN WP No.10702/14]

Vs

1 TAMIL NADU TEA PLANTATION
CORPORATION LTD, COONOOR,
THE NILGIRIS, REP. BY ITS MANAGING
DIRECTOR/ PRINCIPAL CHIEF
CONSERVATOR OF FORESTS

[1 & 2 RESPONDENTS IN BOTH
PETITION]

2 THE CHAIRMAN,
(PRINCIPAL SECRETARY TO
GOVERNMENT FOREST DEPARTMENT),
SECRETARIAT, CHENNAI-9.

3 THE DIVISIONAL MANAGER,
NELLIYALAM TEA DIVISION,
TAMIL NADU TEA PLANTATION
CORPORATION LTD, KOLAPALLI
POST, THE NILGIRS.

[3RD RESPONDENTS IN WMP No.1040/17
IN WP No.10701/14]

THE DIVISIONAL MANAGER,
CHERANGODE TEA DIVISION,
TAMIL NADU TEA PLANTATION
CORPORATION LTED,CHERANGODE,
THE NILIGIRIS -DT

[3RD RESPONDENTS IN WMP No.1041/17
IN WP No.10702/14]

Petitions praying that in these circumstances stated therein
and in the respective affidavits filed therewith the High Court
will be pleased to

i) Direct the Respondents to pay to Petitioner retirement
benefits & statutory dues such as Gratuity, Provident Fund, Earned
Leave etc., due and eligible to him upto the date of his
retirement, in (WMP No.1040/17 in WP No.10701/14)and;

ii) Direct the Respondents to pay to Petitioner retirement benefits & statutory dues such as Gratuity Provident Fund, Earned Leave etc., due and eligible to him upto the date of his retirement, in (WMP No.1040/17 in WP No.10701/14) respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.K.LAVAN, Advocate for the petitioner in each the Petitions and of M/S.N.INBANANTHAN Government Pleader for the Respondents in both the petitions the court made the following order:-

The controversy in the subject matter of the writ petitions is as to whether the age of the superannuation of the petitioners is 60 or 58.

2.These petitions have been filed, seeking the retiral benefits by treating the age of superannuation as 58 years, of course, without prejudice to the contentions in the main writ petitions.

3.For the aforesaid, there cannot be any objection on behalf of the respondents, as payment of retiral benefits is a matter of right.

4.In such view of the matter, the respondents are hereby directed to pay retiral benefits to the petitioners by treating the age of superannuation as 58 within a period of two months from the date of receipt of a copy of this order. These miscellaneous petitions are disposed of accordingly.

-sd/-
13/03/2017

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 TAMIL NADU TEA PLANTATION
CORPORATION LTD, COONOR, THE NILGIRIS,
REP. BY ITS MANAGING DIRECTOR/ PRINCIPAL
CHIEF CONSERVATOR OF FORESTS

2 THE CHAIRMAN,
(PRINCIPAL SECRETARY TO GOVERNMENT FOREST
DEPARTMENT), SECRETARIAT, CHENNAI-9.

3 THE DIVISIONAL MANAGER,
NELLIYALAM TEA DIVISION, TAMIL NADU TEA
PLANTATION CORPORATION LTD, KOLAPALLI POST,
THE NILGIRS.

4 THE DIVISIONAL MANAGER,
CHERANGODE TEA DIVISION, TAMIL NADU TEA
PLANTATION CORPORATION LTD, CHERANGODE , THE
NILGIRS.

+2 C.C. to M/S.K.LAVAN Advocate on Sr.No. 3378,3379

The Government Advocate, High Court, Madras - 104, Sr.No.3325

Order

in
WMP.1040 & 1041/2017

in
WP.10701 & 10702/2014

Date :13/03/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
ADD 16.03.2017