

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30760 of 2017

M.Sivalingam

.. Petitioner

-vs-

1. The Government of Tamil Nadu  
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 600 005

.. Respondents

Petition 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 by his representation dated 07.09.2017 and pay a sum of Rs.20,90,311/- (Rupees Twenty Lakhs, ninety thousand, three hundred and eleven only) along with interest and compensation with calculation details or in alternative to direct the respondents to dispose his representation dated 07.09.2017.

For Petitioner :: Mr.U.Karunakaran

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

WEB COPY  
ORDER

This writ petition has been filed seeking a mandamus directing the respondents to pay the entire balance service/terminal benefits as demanded by the petitioner in his representation dated 7.9.2017 and pay a sum of Rs.20,90,311/- (Rupees Twenty Lakhs, ninety thousand, three hundred and eleven only) along with interest and compensation with calculation details.

2. Learned counsel for the petitioner submitted that the petitioner was appointed as Block Manager in AGROFED Organisation on 5.1.94. Subsequently, in the year 2002, the Department of Agriculture took a decision to close down the AGROFED Organisation. Accordingly, G.O.Ms.No.385, Agriculture (AEII) Department dated 27.11.2002 was issued to close down the AGROFED Organisation. Thereafter, the Special Officer of AGROFED, Chennai has issued a circular bearing R.C.No.4174/Adm.1/2004 to submit report regarding the settlement of service benefits for the employees. Moreover, retrenchment notice bearing No.RC.No.4641/Adm.3/2002 dated 31.8.2004 was issued by the Special Officer, AGROFED, Chennai-97 declaring that the retrenched employees would 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 Further, the said notice dated 31.08.2004 was withdrawn by the Special Officer, due to administrative reasons.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 compensation and other benefits have not been fully paid. Hence, the petitioner has submitted several representations and the last of which was given on 7.9.2017 for payment of terminal benefits, however, the same has not been considered. Therefore, he has come to this Court.

3. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, taking notice for the respondents, sought four weeks time to consider the representation submitted by the petitioner.

4. Considering the limited relief sought for in this petition, without going into the merits of the matter, this Court hereby directs the respondents to consider the representation dated 7.9.2017 made by the petitioner on merits and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-  
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

ss  
To

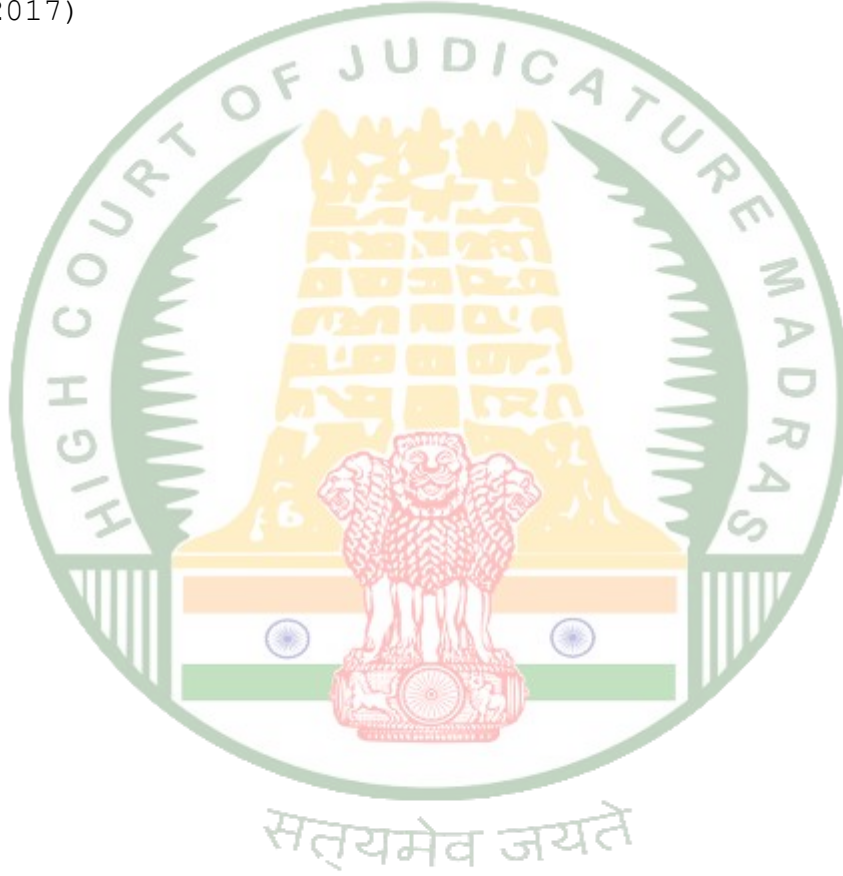
1. The Principal Secretary to Government  
Department of Agriculture  
Fort St.George  
Chennai 600 009

2. The Registrar of Agro Engineering Service  
O/o Director of Agriculture  
Chepauk  
Chennai 600 005

+1cc to Mr.U.Karunakaran, Advocate SR.No.84559  
+1cc to Government Pleader SR.No.85096

W.P.No.30760 of 2017

KK (CO)  
GN (19/12/2017)



WEB COPY