

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30989 of 2017

K.Mani .. 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 issuance 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 05.09.2017 and pay a sum of Rs.38,06,868/- (Rupees Thirty Eight Lakhs, six thousand, eight hundred and sixty eight only) along with interest and compensation with calculation details or in alternative to direct the respondents to dispose his representation dated 05.09.2017.

For Petitioner :: Mr.U.Karunakaran
For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

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 05.09.2017 and pay a sum of Rs.38,06,868/- (Rupees Thirty eight Lakhs, six thousand, eight hundred and sixty eight 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 12.09.1994. 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 Further, the said notice dated 31.08.2004 was withdrawn by the Special Officer, due to administrative reasons.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 05.9.2017 for payment of terminal benefits, however, the same has not been considered. Therefore, he has come to this Court.

3. Mr.V.Jayaprakash Narayanan, learned Special 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 05.9.2017 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.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssd

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 the Government Pleader sR.No.85420

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sm:28.12.2017