

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31089 of 2017

1. M.Murugesan
 2. M.Vijayan
 3. M.Priyan
- ..Petitioners

-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 deceased T.Lalithambika, wife of 1st petitioner and mother of petitioners 2 and 3 in her representation dated 17.08.2017 and pay a sum of Rs.69,94,122/- (Rupees Sixty Nine Lakhs, ninety four thousand, one hundred and twenty two only) along with interest and compensation with calculation details or in alternative to direct the respondents to dispose the representation dated 17.08.2017.

For Petitioners:: Mr.U.Karunakaran
For Respondents:: Mr.E.R.A.Premnath
Government Advocate

ORDER

This writ petition has been filed seeking a mandamus directing the respondents to pay the entire balance service/terminal benefits as demanded by deceased T.Lalithambika, (wife of 1st petitioner and mother of petitioners 2 and 3) in her representation dated 17.08.2017 and pay a sum of Rs.69,94,122/- (Rupees Sixty Nine Lakhs, Ninety Four thousand, one hundred and twenty two only) along with interest and

compensation with calculation details.

2. Learned counsel for the petitioners submitted that one T.Lalithambika, wife of 1st petitioner and mother of petitioners 2 and 3 was appointed as Steno-Typist in ENCOFED by AGROFED Organisation on 05.10.1988. 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 30.11.2004 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 was withdrawn by the Special Officer, due to administrative reasons. In spite of withdrawal of the said notice, the said T.Lalithambika, wife of 1st petitioner and mother of petitioners 2 and 3 was retrenched from service on 30.11.2004. But the retrenchment compensation and other benefits have not been fully paid. Hence, T.Lalithambika, has submitted several representations and the last of which was given on 17.08.2017 for payment of terminal benefits. Thereafter, the said T.Lalithambika passed away on 21.08.2017, the 1st petitioner, who is the husband and the petitioners 2 and 3, who are sons have approached the respondents for terminal benefits by submitting legal heir certificate, however, the same has not been considered. Therefore, they have come to this Court.

3. Mr.E.R.A.Premnath, learned Government Advocate, taking notice for the respondents, sought four weeks time to consider the representation submitted by T.Lalithambika.

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 17.8.2017 made by T.Lalithambika, wife of 1st petitioner and mother of petitioners 2 and 3 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.

s/d-

Assistant Registrar(CS-III)

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

+1 CC to Govt. Pleader sr 85877.

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NM(CO)
SP(02/01/2018)



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