

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T. RAJA

W.P. No.12067 of 2017

R.Thiyagarajan

... Petitioner

-Vs-

1. The Commissioner for Milk Production and
Dairy Development,
Madhavaram Milk Colony,
Chennai - 600 051.

2. The Managing Director,
TCMPF Ltd., Aavin Illam,
Madhavaram Milk Colony,
Chennai 600 051.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to disburse the gratuity amount payable to the petitioner in respect of the service rendered by the petitioner together with interest at the rate of 12% per annum from the date of his retirement viz. 31.01.2016 till the date of disbursal as per the rules in force.

For Petitioner : Mr.K.S.Viswanathan

For Respondents : Ms.T.Girija,
Government Advocate

सत्यमेव जयते
O R D E R

The petitioner has come to this Court seeking a direction to the respondents to disburse the gratuity amount payable to him in respect of the service rendered by him together with interest at the rate of 12% per annum from the date of his retirement viz. 31.01.2016 till the date of disbursal as per the rules in force.

2.The case of the petitioner is that he worked as an Assistant General Manager (Dairying) in Salem District Co-operative Milk Producers Union Limited, Salem and he was permitted to retire from service on 31.01.2016 on attaining the age of superannuation. As the terminal benefits payable to the petitioner were ordered to be withheld citing pendency of audit

objections and an arbitration case pending as against him at the Salem District Union, all monetary benefits were not paid to him. In this regard, the petitioner has made a representation on 10.02.2016 to the second respondent seeking release of terminal benefits after dropping all audit objections at the earliest. As there was no response from the respondents, he is before this Court seeking the above direction.

3.Learned counsel for the petitioner would submit that as the petitioner was retired from service on 31.01.2016, a direction may be given to the respondents to disburse the terminal benefits payable to him.

4.In reply, learned Government Advocate appearing for the respondents would submit that till date the surcharge proceedings initiated against the petitioner have not come to an end and the arbitration proceedings initiated against him are pending. Therefore, the petitioner is not entitled to receive the retiral benefits unless the aforementioned proceedings are finalised.

5.When the petitioner was allowed to retired from service on reaching the age of superannuation on 31.01.2016, it is fair on the part of the respondents to take steps to dispose off all the aforementioned proceedings initiated against the petitioner. Accordingly, this writ petition is disposed of directing the respondents to take steps to dispose of the surcharge proceedings initiated against the petitioner and the audit objection, within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

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To

सत्यमेव जयते Sub Assistant Registrar

1. The Commissioner for Milk Production and Dairy Development,
Madhavaram Milk Colony, Chennai - 600 051.
2. The Managing Director,
TCMPF Ltd., Aavin Illam,
Madhavaram Milk Colony, Chennai 600 051.

+1cc to Mr.V.Suthakar, Advocate, S.R.No.39604
+1cc to the Government Pleader, S.R.No.39724

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CS IV
CA(20/06/2017)