

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.33138 of 2017

1.S.Janaki
2.S.Ashok Kumar
3.S.Sathish Kumar

.. Petitioners

Vs

1.The Government of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Department of Agriculture,
Fort St. George, Chennai - 9.

2.Registrar of Agro Engineering Service,
Director of Agriculture,
O/o. Director of Agriculture,
Chepauk, Chennai - 5.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to pay entire balance service/terminal benefits of her husband as demanded by the petitioner and pay a sum of Rs.38,34,165/-, along with interest and compensation with calculation details.

For petitioners: Mr.U.Karunakaran

For Respondents: Mr.V.Jayaprakashnarayanan, Spl.GP

O R D E R

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondents to pay the entire balance service/terminal benefits of her husband as demanded by the petitioner and pay a sum of Rs.38,34,165/-, along with interest and compensation with calculation details.

2. It is submitted by the learned counsel for the petitioners that the first petitioner's husband was appointed as Road Roller Driver in the ENCOFED on 03.08.1992. Subsequently, the said company was closed down by G.O.Ms.No.385, Agriculture

AEII Department, dated 27.11.2002. Thereafter, a Circular in R.C.No.4174/Adm.1/2004 dated 21.1.2004 was issued by the Special Officer, Chennai to submit a report after calculating the salary arrears, EPF, Leave Salary etc., for providing service benefits to the employees. In continuance of the same, the Special Officer of AGROFED has issued a Retrenchment Notice dated 31.08.2004 bearing No.RC.4641/Adm.3/2002 declaring that the retrenched employees will be paid compensation as per the provisions of the Industrial Disputes Act, 1947. Thereafter, the said Retrenchment Notice was withdrawn by the Special Officer due to administrative reasons on 27.09.2004.

3. Now, the claim of the petitioners is that after retrenchment, the the first petitioner's husband has not paid with any compensation for any other benefits. Therefore, although she has given a representation dated 25.09.2017 for payment of terminal benefits, the same has not been considered till date, hence, the present Writ Petition with a prayer cited supra.

4. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who takes notice on behalf of the respondents, sought six weeks time to dispose of the representation of the petitioner.

5. Considering the facts and circumstances of the matter and also considering the submission of the learned Special Government Pleader for the respondents, the Writ Petition is disposed of, directing the respondents to consider the representation of the petitioner dated 25.09.2017 and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

rkm

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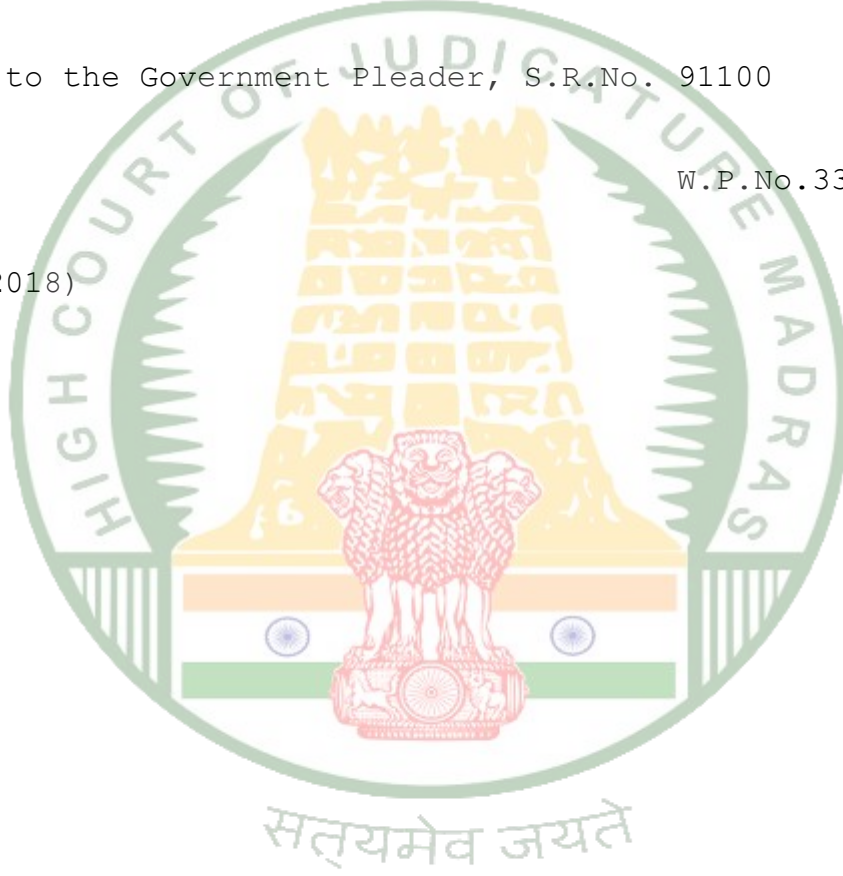
To

- 1.The Principal Secretary to Government,
Department of Agriculture,
Fort St. George, Chennai - 9.
- 2.Registrar of Agro Engineering Service,
Director of Agriculture,
O/o. Director of Agriculture,
Chepauk, Chennai - 5.

+1cc to the Government Pleader, S.R.No. 91100

W.P.No.33138 of 2017

RJ(CO)
TR(10/01/2018)



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