

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.28698 of 2017

K.Johnson

...Petitioner

Versus

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 is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the entire balance service/terminal benefits as demanded by the petitioner by his representation dated 17.08.2017 and pay a sum of Rs.48,97,236/- (Rupees Forty Eight Lakhs, Ninety Seven Thousand Two Hundred and Thirty Six Only) along with interest and compensation with calculation details and pass such further order or in alternative, to direct the respondents to dispose of the petitioner's representation dated 17.08.2017.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to pay the entire balance service/terminal benefits as demanded by the petitioner by his representation dated 17.08.2017, namely, a sum of Rs.48,97,236/- (Rupees Forty Eight Lakhs, Ninety Seven Thousand Two Hundred and Thirty Six Only) along with interest and compensation with calculation details, or in alternative, to direct the respondents to dispose of the petitioner's representation dated 17.08.2017.

2. The case of the petitioner is that he got appointment as Junior Assistant in AGROFED on 25.1.1993. Subsequently, it 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 Thereafter, the said Retrenchment Notice was withdrawn by the Special Officer due to administrative reasons on 27.09.2004. Now, the claim of the petitioner is that after retrenchment, the petitioner has not paid any compensation or any other benefits. Therefore, he has given a representation dated 17.08.2017 for payment of terminal benefits. The same has not been considered. Hence, the present Writ Petition.

3. 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.

4. 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 17.08.2017 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.

Tsi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
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 M/S U.Karunkaran, Advocate Sr.80230

W.P.No.28698 of 2017

*** (CO)
RVR 08/12/2017