

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.817 of 2018

1. T.Tamil Selvi

2. T.Sanjai

.. 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 issue of a Writ of Mandamus, directing the respondents to pay the entire balance service/terminal benefits as demanded by the petitioners by their representation dated 12.08.2017 and pay a sum of Rs.30,87,170/- (Rupees Thirty Lakhs, eighty seven thousand, one hundred and seventy only) along with interest and compensation with calculation details or in alternative to direct the respondents to dispose their representation dated 12.08.2017.

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 first petitioner by her representation dated 12.8.2017 and pay a sum of Rs.30,87,170/- (Rupees Thirty Lakhs, eighty seven thousand, one hundred and seventy only) along with interest and compensation

with calculation details or in alternative to direct the respondents to dispose her representation dated 12.8.2017.

2. Learned counsel for the petitioners submitted that the husband of the first petitioner was appointed as Block Manager in AGROFED Organisation on 20.5.83. 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 Further, the said notice dated 31.08.2004 was withdrawn by the Special Officer, due to administrative reasons.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 husband of the first petitioner was retrenched from service on 30.11.2004, but the retrenchment compensation and other benefits have not been fully paid. Hence, the first petitioner has submitted representations and the last of which was given on 12.8.2017 for payment of terminal benefits, however, the same has not been considered. Therefore, she and her son have 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 first 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 12.8.2017 made by the first 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.

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Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

SS

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 Mr.V.KARUNAKARAN, Advocate, S.R.No. 3070
+1cc to the Government Pleader, S.R.No. 3325

W.P.No.817 of 2018

NRI (CO)
TR(08/02/2018)



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