

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 1499 & 1501 & 1503 & 1506 & 1508
& 2685 & 2689 of 2019

- | | |
|-------------------|-----------------------------------|
| 1. M.Easwaran | Petitioner is W.P.No.1499 of 2019 |
| 2. P.Gnanasekaran | Petitioner is W.P.No.1501 of 2019 |
| 3. K.Sivaraj | Petitioner is W.P.No.1503 of 2019 |
| 4. T.Mani | Petitioner is W.P.No.1501 of 2019 |
| 5. D.Prithviraj | Petitioner is W.P.No.1508 of 2019 |
| 6. S.Jayachandran | Petitioner is W.P.No.2685 of 2019 |
| 7. N.Devan | Petitioner is W.P.No.2689 of 2019 |

Vs.

1. The Principal Secretary to Government
Environment and Forest Department
And Chairman, TANTEA,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
TANTEA Registered Office,
Coonoor,
Nilgris District

3. The Divisional Manager,
O/o. The Divisional Manager,
Lawson Tea Division
Nilgris District

.. Respondents in W.P.No.1499 & 1501 & 1503 of 2019

1. The Principal Secretary to Government
Environment and Forest Department
And Chairman, TANTEA,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
TANTEA Registered Office,
Coonoor,
Nilgris District

3. The Divisional Manager,
O/o. The Divisional Manager,
Kotagiri Tea Division,
Nilgiri District
(Lawson Tea Division)
Nelliyalam Tea Division

.. Respondents in W.P.No.1506 & 1508 of 2019

1. The Principal Secretary to Government
Environment and Forest Department
And Chairman, TANTEA,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
TANTEA Registered Office,
Coonoor,
Nilgris District

3. The Divisional Manager,
TANTEA, Lawson Tea Division
Chinchona (P.O) Valparai,
Coimbatore District

.. Respondents in W.P.Nos. 2685 & 2689 of 2019

PRAYER in W.P.No.1499 of 2019: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to disburse the petitioner's retirement benefits of Rs. 6,45,881/- towards his gratuity and Rs.2,31,106/- towards his terminal leave salary to be paid by the Management within a stipulate period fixed by this Court.

PRAYER in W.P.No.1501 of 2019: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the

issue of a Writ of Mandamus, directing the 2nd respondent to disburse the petitioner's retirement benefits of Rs. 10,00,000/- towards his gratuity and Rs.4,99,440/- towards his terminal leave salary to be paid by the Management within a stipulate period fixed by this Court.

PRAYER in W.P.No.1503 of 2019: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to disburse the petitioner's retirement benefits of Rs. 3.42,955/- towards his gratuity and Rs.1,05,547/- towards his terminal leave salary to be paid by the Management within a stipulate period fixed by this Court.

PRAYER in W.P.No.1506 of 2019: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to disburse the petitioner's retirement benefits of Rs.9,55,255/- towards his gratuity and Rs.4,13,400/- towards his terminal leave salary to be paid by the Management within a stipulate period fixed by this Court.

PRAYER in W.P.No.1508 of 2019: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to disburse the petitioner's retirement benefits of Rs. 6,83,723/- towards his gratuity and Rs.3,82,080 /- towards his terminal leave salary to be paid by the Management within a stipulate period fixed by this Court.

PRAYER in W.P.No.2685 of 2019: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to disburse the petitioner's retirement benefits of Rs. 8,47,809/- towards his gratuity and Rs.3,79,864/- towards his terminal leave salary to be paid by the Management within a stipulate period fixed by this Court.

PRAYER in W.P.No.2689 of 2019: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 2nd respondent to disburse the petitioner's retirement benefits of Rs. 2,86,148/- towards his gratuity and Rs.1,95,641/- towards his terminal leave salary to be paid by the Management within a stipulate period fixed by this Court.

For Petitioner : M/s.S.Arivalagan
(in all Writ petitions)

For Respondents : M/s.M.Lalitha
Government Advocate (F) For R1
Mr.Anand for m/s.T.S.Gopalan & Co
for R2 & R3
(in all Writ petitions)

C O M M O N O R D E R

All these writ petitions are filed for a direction to disburse the terminal and retirement benefits to the employees, who served in the office of the Managing Director, TANTEA Registered Office, Coonoor, Nilgris District and the Divisional Manager, Lawson Tea Division, Nilgris District & Coimbatore District/respondents 2 and 3.

2. All the writ petitioners, who were the employees of the respondents 2 & 3, retired from service on attaining the age of superannuation. Admittedly, all the writ petitioners were allowed to retire from service.

3. The grievances of the writ petitioners are that even after retirement, the terminal and retirement benefits due to them are yet to be paid without any valid reason. Thus, the writ petitioners are constrained to move the present writ petitions.

4. The learned counsel appearing on behalf of the respondents has fairly made a submission, by stating that all the writ petitioners are entitled to have their respective retirement and pensionary benefits, as per the rules and regulations in force. However, the respondents 2 & 3 are facing acute shortage of funds and they are not in a position even to run the regular administration and sincere attempts are taken to restore normalcy of administration and to settle the dues to the creditors and the employees. This apart, the learned counsel for the respondents states that they have already, addressed the issues to the Government and in the event of receiving funds, appropriate actions would be taken to settle the terminal and retirement benefits of all the writ petitioners in the order of priority.

5. This being the factum of the case, the respondents are directed to expedite the matter and settle the terminal and retirement benefits of all these writ petitions, as expeditiously as possible and without causing any undue delay.

6. With these directions, the writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
Environment and Forest Department
And Chairman, TANTEA,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
TANTEA Registered Office,
Coonoor,
Nilgris District
3. The Divisional Manager,
O/o. The Divisional Manager,
Kotagiri Tea Division,
Nilgiri District
(Lawson Tea Division
Nelliyalam Tea Division
4. The Divisional Manager,
TANTEA, Lawson Tea Division
Chinchona (P.O) Valparai,
Coimbatore District

+7ccs to Mr.S.Arivalagan, Advocate SR.No.14798

+1cc to M/s.TS.Gopalan & Co, Advocate SR.No.14975

+1cc to Special Government Pleader SR.No.14815

W.P.Nos. 1499 &1501 & 1503 & 1506 & 1508
& 2685 & 2689 of 2019

KS (CO)
GMY (23/03/2019)