

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.03.2019

CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.24914 of 2018

P. Nallusamy

...Petitioner

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 - 5.Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the respondents to pay the entire balance service/terminal benefits as demanded by the petitioner by his representation dated 21.06.2018 and pay a sum of Rs.24,51,777/- along with interest and compensation with calculation details and pass such further or in alternative to direct the respondents to dispose the petitioner representation dated 21.06.2018 or other orders.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.A.N.Thambidurai,
Spl.Govt. Pleader for R1&R2

O R D E R

The relief sought for in the present writ petition is to direct the respondent to pay the entire balance service/terminal benefits to the writ petitioner, based on his representation dated 21.06.2018.

2. The writ petitioner was appointed as Tractor Dozer Driver and was retrenched from service on 30.11.2004. The grievances of the writ petitioner is that, the terminal benefits due to him has not been settled. The 2nd respondent filed a counter affidavit stating that, all the applicable benefits are settled in favour of the writ petitioner. In this regard, paragraph No.8 of the counter affidavit is extracted hereunder:-

"It is humbly submitted that Federation (AGROFED)
all the amounts due to the retrenched employees were

duly settled complying the procedures under the Act. Therefore, the demand of the petitioner to pay compensation amount FOR THE ENTIRE BALANCE SERVICE of the employees is completely arbitrary and unreasonable under Section 25F of the Industrial Dispute Act, 1947 and he is not entitled to the compensation more than the normal "retrenchment compensation". It is also submitted that the petitioners representations dated 21.06.2018 have been examined as per the Industrial Dispute Act and rules by the AGROFED and the representation have been rejected. Therefore, the writ petition is liable to be dismissed as not maintainable."

3. In view of the affidavit filed by the respondent stating that, the amount due to the retrenched employees were duly settled complying the procedures under the Act, no further adjudication needs to be entertained in respect of the grounds raised in the present writ petition. If at all any grievances exist, the writ petitioner is left open to approach the Competent Authorities by submitting appropriate representation.

4. With these directions, the writ petition stand disposed of. No Costs.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Principal Secretary,
Government of Tamil Nadu,
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 - 5.

+1cc to Mr.U.Karunakaran, Advocate, S.R.No.27596

+1cc to the Government Pleader, S.R.No.28022

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VSN II (CO)

RRS (08/05/2019)