

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 28751 of 2019

and

W.M.P. Nos. 28501 & 28504 of 2019

1. L. Kumar
2. L. Easwaran
3. C. Vasu
4. R. Elangovan
5. T. Neelakandan
6. C. Ravichandran
7. J. Vijayalakshmi
8. J. Kamarudeen
9. K. Manohari
10. B. Sundaram
11. M. Muniyammal
12. R. Joghee

... Petitioner

Vs.

1. Tamil Nadu Tea Plantation Corporation Limited,
Represented by Managing Director,
Connoor - 643 101.
2. The District Collector cum Member of
Board of Directors of Tamil Nadu Tea Plantation
Corporation Limited,
Nilgiris District. Ottacamund.
3. The Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Environment and Forests Department, Secretariat,
Chennai - 9.
(R3 impleaded as per order dated 16.10.2019
in W.M.P. No. 29496 of 2019 in
W.P. No. 28751 of 2019)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to forthwith disburse the entire amounts towards payment of Gratuity and Terminal Leave Salary to all the Petitioners herein with 12% interest (to be compounded annually) with effect from the respective dates of their retirement till the date of actual disbursement and in any event within the time limit.

For Petitioner : Mr. M. Ravi
For R1 and R2 : Mr. T.K. Akash
for M/s.T.S. Gopalan & Co
For R3 : Mr. M. Elumalai
Government Advocate

ORDER

The Petitioners had filed this writ petition, seeking for issuance of a Writ of Mandamus, to direct the respondents to forthwith disburse the entire amounts towards payment of Gratuity and Terminal Leave Salary to all the Petitioners herein with 12% interest (to be compounded annually) with effect from the respective dates of their retirement till the date of actual disbursement and in any event within the time limit.

2. The Petitioners are retired employees of TANTEA (Tamil Nadu Tea Plantation Corporation Limited), the First Respondent herein. The grievance of the Petitioners is that even after their retirement, the Terminal Benefits have not been settled since the disbursement of Gratuity, Encashment of Terminal Leave Salary etc., have not been ordered despite specific orders of the Government of Tamil Nadu issued in G.O.Ms. No. 107, Environment and Forests (FR8) Department, dated 31.07.2018 in and by which 13.09 Crores has been allotted for disbursement of Gratuity, Terminal Leave Salary to the employees of the First Respondent who retired from January 2015 to March 2018.

3. According to the Petitioners, the funds allotted under the above said Government Order has been attempted to divert the same for granting bonus to appease the serving employees and also for some other purpose to the benefit of the officials of the Corporation, by ignoring the disbursement of Terminal Benefits to the retired employees like the Petitioners herein. The Petitioners made various representations dated 10.11.2018, 13.03.2019 and 16.09.2019 etc to the Respondents and since no action has been forthcoming from the Respondents in the matter of disbursement of Gratuity and other Terminal Leave Salary etc., to the Petitioners, the Petitioners are before this Court with the present writ petition.

4. While reiterating the averments made in the Writ Petition, the learned counsel would submit that absolutely there is no impediment for the Respondents to disburse the retiral benefits such as Gratuity, Encashment of Terminal Leave Salary etc. to the Petitioners since the Government of Tamil Nadu has sanctioned 13.09 Crores by issuing G.O. Ms. No. 107, dated 31.07.2018 for the purpose of settling Gratuity and Terminal

Leave Salary to the retired employees such as the Petitioners, however with out resorting to disbursement of the benefits, an attempt has been made to divert the sanctioned funds to some other purpose. Therefore, the learned counsel would implore this Court to issue necessary direction for disbursement of retiral benefits to the Petitioners forthwith.

5. The learned counsel for the Respondents has acceded the claim of the Petitioners that they are entitled to the retirement and pensionary benefits and the same would be disbursed if the funds are available with the Respondents.

6. Heard both sides.

7. In fact on an earlier occasion similar writ petitions have been moved by the other retired employees of TANTEA in W.P. Nos. 1499, 1501, 1503, 1506, 1508, 2685 & 2689 of 2019 before this Court praying for direction to disburse their Terminal Benefits and this Court by order dated 18.02.2019, directed the respondents therein to consider the representation made on behalf of TANTEA, in the matter of disbursement of the retiral benefits to the Petitioners therein.

8. Therefore, considering the facts and circumstances and since the Government has already sanctioned the amount exclusively for disbursement of the retiral benefits to the retired employees of TANTEA, the Respondents are directed to consider the claim of the Petitioners and disburse the entire amounts due and payable to the Petitioners towards Gratuity and Encashment of Terminal Leave Salary etc to the Petitioners as expeditiously as possible without any further delay, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Managing Director,
Tamil Nadu Tea Plantation Corporation Limited,
Connoor - 643 101.

2. The District Collector cum Member of
Board of Directors of Tamil Nadu Tea Plantation
Corporation Limited,
Nilgiris District. Ottacamund.
3. The Principal Secretary to Government,
Government of Tamil Nadu,
Environment and Forests Department, Secretariat,
Chennai - 9.

+1 cc to Mr.M.Ravi, Advocate, S.R.No.95848

+1 cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.95859

W.P. No. 28751 of 2019
and

W.M.P. Nos. 28501 & 28504 of 2019

TM(CO)
SSM(21/11/2019)