

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29910 of 2019

M.Baskaran

... Petitioner

Vs.

1.The Commissioner,
Directorate of Sugar,
Tamil Nadu Sugar Corporation Limited.,
No.690, Periyar EVR Building, 2nd Floor,
Anna Salai, Nandanam,
Chennai - 600 035

2.The Administrator,
M.R.Krishnamurthy Co-operative Sugar Mills,
Sethiathope - 608 702,
Chidambaram Taluk, Cuddalore District ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to dispose off the petitioner's appeal petition dated 02.07.2019 within a time frame.

For Petitioner : Mr.AR.M.Arunachalam

For R1 : Mr.D.Venkatachalam,
Additional Government Pleader
(Co-op)

For R2 : Mr.R.Balaramesh,
Special Government Pleader (Co-op)

O R D E R

By consent, this writ petition is taken up for final disposal.

2.The case of the petitioner is that the petitioner was working as Evarporate Mate at the second respondent organisation and had retired from service on 31.05.2018. However prior to his retirement, he had applied for leave to the second respondent on 21.1.2015 sighting his trip to America to attend his daughter's delivery process. Though the application was submitted as early as 21.12.2015, the said

application was taken on file by the second respondent on 04.02.2016. However in the interregnum period, he left for America and returned soon and thereafter reported for duty. Thereafter the second respondent initiated internal proceedings and pending the enquiry proceedings he retired on superannuation on 31.05.2018. However the second respondent concluded the enquiry proceedings in the year 2018, which confirmed the fact that the enquiry report called upon the second respondent to deduct the amount equal to the three months yearly hike in pay of salary. Consequently, on 25.10.2018 the second respondent calculated the terminal benefits at Rs.3,80,668/- and independently deducted the same under three heads and had paid the balance sum to the tune of Rs.3,62,745/- Challenging the same, the petitioner made a representation to the respondents challenging the proceedings dated 25.10.2018. Subsequently, the petitioner filed W.P.No.8311 of 2019 seeking direction to the second respondent to dispose of the representation. However, the writ petition was disposed of with liberty to file appeal before the first respondent as the petitioner without exhausting the appeal remedy had filed the writ petition. Thereafter the petitioner filed an appeal petition dated 02.07.2019 before the first respondent, but till date the same has been not considered. Hence, the petitioner has filed the present petition.

3.Heard both sides.

4.Considering the limited prayer sought for by the petitioner, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's appeal petition dated 02.07.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

5.With the above direction, this writ petition stands disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

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Sub Assistant Registrar

To

1.The Commissioner,
Directorate of Sugar,
Tamil Nadu Sugar Corporation Limited.,
No.690, Periyar EVR Building, 2nd Floor,
Anna Salai, Nandanam,
Chennai - 600 035.

2.The Administrator,
M.R.Krishnamurthy Co-operative Sugar Mills,
Sethiathope - 608 702,
Chidambaram Taluk, Cuddalore District.

+1cc to Mr.A.R.M.Arunachalam, Advocate Sr.87526
+1cc to Mr.R.Balaramesh, Advocate Sr.88108

W.P.No.29910 of 2019

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