



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.[MD]No.6166 of 2016

and

W.M.P. (MD)No.5449 of 2016

R.Bommiasami

: Petitioner

Vs.

1.The Managing Director,
Dindigul District Co-operative Milk
Producer's Union Ltd.,
Dindigul-624 001.

2.The General Manager,
Dindigul District Co-operative Milk
Producer's Union Ltd.,
Dindigul-624 001.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to positively consider the representation of the petitioner dated 10.02.2016 thereby directing them to give all monetary benefits to the petitioner like PF, Gratuity, pension and all other attendant benefits reckoning the date from 20.02.1983 i.e., the date of appointment as Assistant in the respondent Management.

For Petitioner : Mr.M.V.Venkataseshan

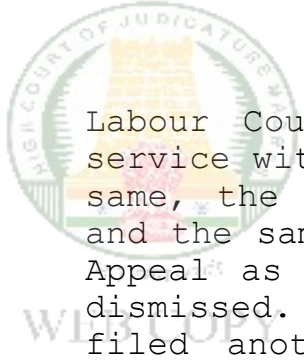
For Respondents : Mr.T.R.Janarthanan

O R D E R

The prayer in the Writ Petition is to consider the petitioner's representation dated 10.02.2016, wherein, he has sought for monetary benefits.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3. According to the learned counsel for the petitioner, the petitioner was employed as Assistant in the respondent Management on 20.02.1983. However, his service was terminated by proceedings dated 01.08.1988, aggrieved against which, he raised an industrial dispute in I.D.No.261 of 1989 before the Labour Court, Madurai. The



Labour Court passed an Award reinstating him with continuity of service with backwages and all other attendant benefits. Against the same, the Management filed a Writ Petition in W.P.No.1048 of 1993 and the same was also dismissed by order dated 31.01.2000. The Writ Appeal as well as the appeal before the Supreme Court were also dismissed. Since no steps were taken thereafter, the petitioner filed another Writ Petition in W.P.No.5949 of 2003, which was disposed of directing the respondents to regularize his service with effect from 20.02.1983. Pursuant to the said order, he got regularization of his service with effect from 20.02.1983. Subsequently, on 28.02.2015, he retired from service on attaining the age of superannuation. However, his monetary benefits were not given from the date of his appointment i.e., 20.02.1983. Therefore, he sent a representation dated 10.02.2016 to the respondents seeking regularization of his service from the date of appointment i.e., 20.02.1983 and monetary benefits like gratuity, provident fund, etc. Despite the same, no fruitful result is forthcoming. Hence, the Writ Petition.

4. The learned counsel appearing on behalf of the respondents submits that the representation of the petitioner dated 10.02.2016 would be considered on merits within the time stipulated by this Court.

5. Considering the limited nature of the relief sought for by the petitioner in the present Writ Petition and having regard to the submission made by the learned counsel for the respondents, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 10.02.2016, if not considered earlier and pass appropriate orders on merits and in accordance with law, after due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

SML
To

1.The Managing Director,
Dindigul District Co-operative Milk
Producers Union Ltd.,
Dindigul-624 001.



2.The General Manager,
Dindigul District Co-operative Milk
Producer's Union Ltd.,
Dindigul-624 001.

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+1 CC to M/s.M.V.VENKATASESHAN, Advocate
(SR-56879[F] dated 27/03/2019)

Order made in
W.P. [MD] No. 6166 of 2016

ES/06.05.2019/3P/4C