

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :24.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 30771 OF 2013

Dr.P.Chinnasawamy

..Petitioner

- Vs -

1. The Secretary to Government,
Animal Husbandry, Dairying and Fisheries Dept,
Fort St. George, Chennai -9.
2. The Managing Director,
The Tamilnadu Cooperative Milk
Producers Federation Limited, AAVIN Illam
Madhavaram Milk Colony,
Chennai 600 051.
3. The General Manager (Personnel)
The Tamilnadu Cooperative Milk
Producers Federation Limited, AAVIN Illam
Madhavaram Milk Colony,
Chennai 600 051.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to grant terminal benefits like Gratuity, Leave Salary, Special Provident Fund, etc., due and payable to the petitioner as on the date of his retirement, viz., 30.06.2005 together with interest at such rate as this Court may consider reasonable.

For Petitioner : M/S.K.S.Viswanathan

For Respondents : Mr.A.N.Thambidurai, SPL.G.P for R1
: M/S.K.N.Pandian for R2
: Mr. L.P.Shanmugasundaram, SPL.G.P for R3
(Cooperative)

ORDER

The petitioner has come up with the above writ petition praying to direct the respondents to grant terminal benefits like Gratuity, Leave Salary, Special Provident Fund, etc., due

and payable to the petitioner as on the date of his retirement, viz., 30.06.2005 together with interest.

2. According to the petitioner, the petitioner joined service in the TNDDC (Tamil Nadu Dairy Development Corporation) which later known as TCMF in the year 1981, as Assistant Manger (veterinary) and thereafter earned various promotions and in the year 2005, the petitioner attained the age of superannuation. At the stage of retirement, the 2nd respondent passed an order allowing the petitioner to retire without prejudice to the outcome of the investigation by the CCIW allegedly in respect of certain pending surcharge proceedings, against the petitioner. Thereby all terminal benefits payable to the petitioner was withheld. Since the terminal benefits were not paid even for a long period, the petitioner made an application under RTI Act on 21.12.2012 and reply was given by the respondents under RTI Act stating that there is no surcharge proceedings pending against the him. Even thereafter the terminal benefits were not settled. Hence, the petitioner made another representation on 22.06.2013 to the respondents requesting for early disbursal of his terminal benefits. However the respondent have not taken any action so far, but have merely given a reply stating that surcharge proceedings are pending. Therefore, left with no other alternative the petitioner is constrained to approach this court by filing this present writ petition.

3. Learned counsel appearing for the petitioner submitted that as on date there is no surcharge proceedings or criminal case pending against the petitioner and that the non-payment of terminal benefits to the petitioner by the 3rd respondent is impermissible and unsustainable. Hence he prays this Court to direct the respondents to pay the terminal benefits due and payable to the petitioner as on the date of his retirement, viz., 30.06.2005 together with interest, within a reasonable time fixed by this Court.

4. On the above contention, this Court heard the learned Special Government Pleader appearing for the respondents, who has no serious objections to such a direction being passed.

5. Considering the facts and circumstances of the case, this Court issues a direction to the 3rd respondent, to pay the terminal benefits like Gratuity, Leave Salary, Special Provident Fund, etc., due and payable to the petitioner, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, if not already disbursed, along with nominal interest at 6% p.a.

6. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Secretary to Government,
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+lcc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.25321
+lcc to the Government Pleader, S.R.No.25277

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VSN II (CO)
KKV/14/08/2020

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