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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.17277 of 2008

K.G. Munivelu (EMP No.1286)

...Petitioner

vs.

1. General Manager (P&A)
Madras Fertilizers Ltd.,
Manali, Chennai 600 068
2. The Chairman and the Managing Director
The Appellate Authority,
Madras Fertilizers Ltd.,
Manali, Chennai 600 068.
3. N. Manoharan, Advocate
4. N. Ravichandar,
Presenting Officer,
Additional Manager (Finance),
Madras Fertilizrs Ltd.
Manali, Chennai 600 068.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the record and to quash the first respondent's dismissal order dated 21.08.2007 and the second respondent's confirmation order passed in 20.02.2008 passed in the first respondent's proceeding No.DP/12/2006 and to direct the first and second respondents to reinstate the petitioner with all benefits.

For Petitioner : Mr. C.H. Vinobha Gandhi

For Respondents : M/S. Aiyar & Dolia

ORDER

The petitioner has filed this Writ Petition challenging the order of dismissal dated 21.08.2007 and the subsequential order dated 20.02.2008 passed in the Appeal made by the petitioner.



2. When the matter was taken up for hearing, it is submitted by the learned counsel for the respondent that the petitioner has accepted the Provident Fund (PF) settlement on 11.06.2014. His Earned Leave (EL) encashment of Rs.70,060.80 was adjusted towards Cooperative Society loan to the tune of Rs.65,303/- and other deductions. As such, nothing is payable to him. However, it is submitted that gratuity claim was not preferred by the employee/petitioner and therefore, it was not disbursed to him.

3. I have perused the documents produced in support of the settlement made by the respondents at the time of termination and thereafter. In fact, the petitioner himself has produced the settlement details of Earned Leave encashment after due adjustments towards Cooperative Society loan and other deduction. However, the petitioner still insisted that the arrears of salary, increment, bonus and other benefits till the date of his termination may be paid to him.

4. In view of the above, a direction is given to the second respondent to process the gratuity payment at the earliest as and when the petitioner makes an application for the same and also make other payments, if any, which is due to the petitioner. The petitioner is directed to submit the application for the payment of gratuity within a period of four (4) weeks from the date of receipt of a copy of this order and the second respondent is directed to process and settle the same within a period of six(6) weeks thereafter. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Bga

TO

1. General Manager (P&A)
Madras Fertilizers Ltd.,
Manali, Chennai 600 068
2. The Chairman and the Managing Director
The Appellate Authority,
Madras Fertilizers Ltd.,
Manali, Chennai 600 068.



+lcc to M/s.Aiyar & Dolia, Advocate, S.R.No.33109

+lcc to M/s.CH.Vinobha Gandhi, Advocate, S.R.No.33613

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W.P.No.17277 of 2008

LN(CO)
PM(29/07/2021)