

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7401 of 2014

P.Balu

... Petitioner

Vs

1. The Chairman and Managing Director,
Tamil Nadu Cement Corporation Ltd.,
2nd Floor, LLA Buildings,
735, Anna Salai, Chennai-600 002.

2. The Chairman - Trustee,
Tamil Nadu Cement Corporation Ltd EPF Trust,
2nd Floor, LLA Buildings,
735, Anna Salai, Chennai - 600 002.

3. The Secretary - Trustee,
Tamil Nadu Cement Corporation Ltd EPF Trust,
2nd Floor, LLA Buildings,
735, Anna Salai,
Chennai - 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to release the terminal benefits viz. the gratuity, EL encashment, unearned leave on private affairs totalling a sum of Rs.20,66,377/- with 18% interest and 10% Employees Provident Fund accumulations pursuant to his representations dated 31.08.2013, 13.09.2013, 28.11.2013 and 13.12.2013.

For Petitioner : Mr.K.R.Hariharan

ORDER

The prayer made in this writ petition is to direct the first respondent to release the terminal benefits, such as, gratuity, earned leave encashment, unearned leave on private affairs, etc. with interest and Employees Provident Fund accumulations, pursuant to his representations dated 31.08.2013, 13.09.2013, 28.11.2013 and 13.12.2013.

2. According to the learned counsel for the petitioner, the petitioner joined the service of the first respondent on 06.04.1984 as Personnel Officer and at the time of superannuation, he was in the post of Deputy General Manager (P&A). By an order of the first respondent dated 31.05.2013, he was relieved from service with effect from 31.05.2013, on reaching the age of superannuation, without prejudice to the disciplinary action. However, no charge memo was issued prior to the date of relieving order nor any disciplinary action was pending against him. Hence, he made several representations on 31.08.2013, 13.09.2013, 28.11.2013 and 13.12.2013 to settle the terminal benefits due to him. Since the said representations were not considered by the first respondent, the petitioner has come up with the present writ petition for the aforesaid relief.

3. There is no representation for the respondents.

4. However, considering the limited relief sought for in this writ petition, this Court directs the first respondent to consider the representations dated 31.08.2013, 13.09.2013, 28.11.2013 and 13.12.2013 submitted by the petitioner, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

msv

To

1. The Chairman and Managing Director,
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Chennai-600 002.

2. The Chairman - Trustee,
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2nd Floor, LLA Buildings,
735, Anna Salai,
Chennai - 600 002.

3. The Secretary - Trustee,
Tamil Nadu Cement Corporation Ltd EPF Trust,
2nd Floor, LLA Buildings, 735, Anna Salai,
Chennai - 600 002.

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GMI (CO)
RMP (24/03/2021)



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