



W.P.No.21292 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21292 of 2016
and W.M.P.No.18236 of 2016

R.Rani

...Petitioner

Vs.

1.The Commissioner of Milk Production and Dairy Development,
Madhavaram Milk Colony,
Chennai – 600 051.

2.Managing Director,
Tamil Nadu Cooperative Milk Producers Federation Ltd., (AAVIN)
Madhavaram Milk Colony,
Chennai – 600 051.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a writ of Mandamus, directing the respondents to sanction and
disburse the entire retirement benefits due to the petitioner's husband and



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his family including gratuity, pension, surrender leave salary etc with interest at 18% from the date on which the payment became due, before a date that may be specified.

For Petitioner	: Mr.A.Praveenkumar for Mr.P.Anbarasan
For Respondents	: Mr.R.P.Murugan Raja Government Advocate for R1 Mr.T.K.Ashokkumar for R2

ORDER

The relief sought for in the present writ petition is to direct the respondents to sanction and disburse the entire retirement benefits due to the petitioner's husband and his family including gratuity, pension surrender leave salary etc., with interest at 18% from the date on which the payment became due, before a date that may be specified.

2.The petitioner states that her husband Late.P.V.Rajendran joined as Dairy Assistant in the Milk and Dairy Development Department in the year 1972. Thereafter, he was permanently absorbed in the Tamil Nadu Co-



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operative Milk Producers Federation Limited. He was permitted to retire from service on 31.01.2009 on the attaining age of superannuation. The grievance of the writ petitioner is that the terminal and pensionary benefits due to her husband are yet to be settled. In this regard, the petitioner made several representations and no order has been passed. Thus, the petitioner has chosen to file the present writ petition.

3.The 2nd respondent filed a counter affidavit stating that the husband of the writ petitioner was permanently absorbed in the Tamil Nadu Co-operative Milk Producers Federation Limited with effect from 01.02.1981. At the time of retirement, he was working as Deputy General Manager (Production) in Ambattur Dairy. The employee died on 16.05.2010.

4.There is an audit objection pending against the deceased employee with reference to the period from 1996 to 2000. The Thanjavur District Co-operative Milk Producers Union in letter dated 24.01.2009 have addressed to the petitioner and informed that on Section 81 enquiry under the Tamil



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Nadu Co-operative Societies Act conducted by Deputy Registrar (D) Thanjavur, it was found that husband of the writ petitioner is responsible for a sum of Rs.6,43,120.99/- against Rs.9,47,833.77/-. The deceased employee was relieved from the audit objection to the tune of Rs.3,04,713.68. Thus, a sum of Rs.6,43,120.99/- is to be recovered/adjusted from the terminal benefits payable to the deceased employee P.V.Rajendran.

5.When there are certain audit objections pending and some amount has already been waived, the issues are to be adjudicated with reference to the documents and evidence available on records. High Court cannot conduct a roving enquiry regarding the disputed issues in a writ proceedings under Article 226 of the Constitution of India.

6.In this backdrop, the petitioner is at liberty to approach the revisional authority under Section 153 of the Tamil Nadu Co-operative Societies Act for adjudication of disputed issues for the purpose of resolving his grievances in the manner known to law. In the event of filing



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any such revision petition by the petitioner, the competent revisional authority shall take into consideration the period during which the writ petition was pending before this Court for the purpose of condoning the delay if any and adjudicate the issues on merits and in accordance with law, as expeditiously as possible.

7. Accordingly, this writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

17.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

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Chennai – 600 051.
2. Managing Director,
Tamil Nadu Cooperative Milk Producers Federation Ltd., (AAVIN)
Madhavaram Milk Colony,
Chennai – 600 051.



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S.M.SUBRAMANIAM, J.

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