



WEB COPY



W.P. No.32963 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.32963 of 2022

D.Vasantha Devi

... Petitioner

Vs.

1. Union of India,
Represented by its Chief Secretary,
Government of Puducherry,
Chief Secretariat, Pondicherry – 605 001.
2. The Secretary to Government (Co-operation),
Chief Secretariat,
Puducherry - 605 001.
3. The Registrar,
Registrar of Cooperative Societies,
Cooperative Department,
Government of Puducherry,
V.V.P.Nagar, Puducherry - 605 009.
4. The Liquidator,
Bharathi Cooperative Consumer,
Stores Limited No.P.564,
Puducherry.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents to consider the



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representation of the petitioner dated 26.09.2022 and to disburse the arrears of salary from March, 2011, Gratuity, Earned Leave encashment, Bonus, ESI benefits and all other admissible entitlements due to the petitioner with interest at 18 % per annum.

For Petitioner : Mr.R.Saravanan
For Respondents : Mr.B.Ramaswamy
Additional Government Pleader
for R1 to R3

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.B.Ramaswamy, learned Additional Government Pleader accepts notice for the respondents 1 to 3.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pass final orders on the petitioner's representation dated 26.09.2022 seeking for disbursement of the petitioner's alleged arrears of salary from March 2011 as well as the gratuity, earned leave encashment, bonus, ESI benefits and all other admissible entitlements along with interest at 18 % per annum within a time frame to be fixed by this Court.



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4. The grievance of the petitioner is that she was working in the fourth respondent Society which is currently in liquidation and presently it is managed by the Liquidator. According to the petitioner, similarly placed employees had earlier approached this Court and filed a similar Writ Petition in W.P. No.34721 of 2015 and by an order dated 01.06.2022, this Court had directed the respondents to consider the request of the said petitioners for payment of the terminal benefits payable by the fourth respondent herein, within a period of three months from the date of receipt of a copy of that order. The petitioner also claims that her terminal benefits have also not been paid by the fourth respondent till date.

5. Heard Mr.R.Saravanan, learned counsel for the petitioner and Mr.B.Ramaswamy, learned Additional Government Pleader for the respondents 1 to 3.

6. No prejudice would be caused to respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law and the amount payable to the petitioner is ascertained from the fourth respondent, who is the Liquidator for the subject Society viz.,



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Bharathi Cooperative Consumer Stores Limited, Puducherry, where the petitioner claims to have worked.

7. For the foregoing reasons, this Court directs the third respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 26.09.2022 seeking for disbursement of her alleged arrears salary from March 2011, gratuity, earned encashment leave, bonus, ESI benefits and all other admissible entitlements after ascertaining from the fourth respondent the actual amount due and payable to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the writ petition is disposed of. No costs.

08.12.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
ham/vsi2

To



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ABDUL QUDDHOSE, J.

ham/vsi2

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